

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2263/92

of 4 August 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 3 August 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 5 August 1992.

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

Done at Brussels, 4 August 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 4 August 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	150,14 (°) (°)
0712 90 19	150,14 (°) (°)
1001 10 10	161,09 (°) (°) (10)
1001 10 90	161,09 (°) (°) (10)
1001 90 91	145,41
1001 90 99	145,41 (11)
1002 00 00	153,99 (°)
1003 00 10	126,07
1003 00 90	126,07 (11)
1004 00 10	109,13
1004 00 90	109,13
1005 10 90	150,14 (°) (°)
1005 90 00	150,14 (°) (°)
1007 00 90	153,23 (°)
1008 10 00	52,35 (11)
1008 20 00	102,90 (°)
1008 30 00	50,53 (°)
1008 90 10	(°)
1008 90 90	50,53
1101 00 00	216,53 (°) (11)
1102 10 00	228,55 (°)
1103 11 10	262,59 (°) (10)
1103 11 90	233,69 (°)

(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 2264/92
of 4 August 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 3 August 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 5 August 1992.

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

Done at Brussels, 4 August 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 4 August 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
	8	9	10	11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	8	9	10	11	12
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 2265/92

of 31 July 1992

revoking Regulation (EEC) No 942/92 concerning the stopping of fishing for anchovy by vessels flying the flag of France

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Commission Regulation (EEC) No 942/92⁽³⁾ stopped fishing for anchovy in the waters of ICES division VIII by vessels flying the flag of France or registered in France ;

Whereas Spain has transferred on 3 July 1992 to France 6 000 tonnes of anchovy in the waters of ICES division VIII ; that fishing for anchovy in the waters of ICES division VIII by vessels flying the flag of France or registered

in France should therefore be permitted ; that consequently it is necessary to revoke Commission Regulation (EEC) No 942/92,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 942/92 is hereby revoked.

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, 31 July 1992.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 101, 15. 4. 1992, p. 42.

COMMISSION REGULATION (EEC) No 2266/92

of 3 August 1992

re-establishing the levying of customs duties on products falling within CN code 3516 50 00, originating in China, to which the preferential tariff arrangements set out in 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 code 8516 50 00, originating in China, the individual ceiling was fixed at ECU 2 960 000; whereas, on 7 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 products in question against China,

HAS ADOPTED THIS REGULATION :

Article 1

As from 8 August 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
10.1045	8516 50 00	Microwave ovens

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, 3 August 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. Last amended by Council Regulation (EEC) No 1509/92 (OJ No L 159, 12. 6. 1992, p. 1).

COMMISSION REGULATION (EEC) No 2267/92

of 3 August 1992

re-establishing the levying of customs duties on products falling within CN codes 3903, ex 3915 and ex 3920, originating in Brazil, to which the preferential tariff arrangements set out in 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 code 3903, ex 3915 and 3920, originating in Brazil, the individual ceiling was fixed at ECU 4 746 000; whereas, on 7 April 1992, imports of these products into the Community originating in Brazil 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 products in question against Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 August 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 Brazil:

Order No	CN code	Description
10.0457	3903	Polymers of styrene, in primary forms
	3915 20 00	Waste, paring and scrap, of polymers of styrene
	3920 30 00	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials
	3920 99 50	— Of polymers of styrene — Of addition polymerization products

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, 3 August 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. Last amended by Council Regulation (EEC) No 1509/92 (OJ No L 159, 12. 6. 1992, p. 1).

COMMISSION REGULATION (EEC) No 2268/92

of 3 August 1992

re-establishing the levying of customs duties on products falling within CN code 3503 00 10, originating in Brazil, to which the preferential tariff arrangements set out in 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 code 3503 00 10, originating in Brazil, the individual ceiling was fixed at ECU 772 000; whereas, on 7 April 1992, imports of these products into the Community originating in Brazil 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 products in question against Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 August 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 Brazil:

Order No	CN code	Description
10.0430	3503 00 10	Gelatin derivatives thereof

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, 3 August 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. Last amended by Council Regulation (EEC) No 1509/92 (OJ No L 159, 12. 6. 1992, p. 1).

COMMISSION REGULATION (EEC) No 2269/92
of 3 August 1992

re-establishing the levying of customs duties on products of category 28 (order No 40.0280), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/91 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-establish at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of category 28 (order No 40.0280), originating in Pakistan, the relevant ceiling amounts to 109 000 pieces ;

Whereas on 10 January 1992 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling ;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION :

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan :

Order No	Category (unit)	CN code	Description
40.0280	28 (1 000 pieces)	6103 41 10	Trousers, bib and brace overalls, breeches and shorts (other than swimwear) knitted or crocheted, of wool, of cotton or man-made fibres
		6103 41 90	
		6103 42 10	
		6103 42 90	
		6103 43 10	
		6103 43 90	
		6103 49 10	
		6103 49 91	
		6104 61 10	
		6104 61 90	
		6104 62 10	
		6104 62 90	
		6104 63 10	
		6104 63 90	
		6104 69 10	
		6104 69 91	

Article 2

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 370, 31. 12. 1990, p. 39.

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

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

Done at Brussels, 3 August 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 2270/92

of 3 August 1992

re-establishing the levying of customs duties on products of category 21 (order No 40.0210), originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/91 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 21 (order No 40.0210), originating in Indonesia, the relevant ceiling amounts to 562 000 pieces;

Whereas on 17 January 1992 imports of the products in question into the Community, originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Indonesia:

Order No	Category (unit)	CN code	Description
40.0210	21 (1 000 pieces)	ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00 6104 69 91 6211 32 41 6211 33 41 6211 43 41	Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted of wool, of cotton or man-made fibres; under parts of tracksuits with lining, other than of category 16 or 29, of cotton or man-made fibres

Article 2

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 370, 31. 12. 1990, p. 39.

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

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

Done at Brussels, 3 August 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 2271/92

of 3 August 1992

re-establishing the levying of customs duties on products of category 5 (order No 40.0050), originating in India, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/91 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of category 5 (order No 40.0050), originating in India, the relevant ceiling amounts to 1 510 000 pieces ;

Whereas on 26 March 1992 imports of the products in question into the Community, originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling ;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION :

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in India :

Order No	Category (unit)	CN code	Description
40.0050	5 (1 000 pieces)	6101 10 90	Jerseys, pullovers, slippers, waistcoats, twinsets, cardigans, bed jackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like, knitted or crocheted
		6101 20 90	
		6101 30 90	
		6102 10 90	
		6102 20 90	
		6102 30 90	
		6110 10 10	
		6110 10 31	
		6110 10 39	
		6110 10 91	
		6110 10 99	
		6110 20 91	
		6110 20 99	
		6110 30 91	
		6110 30 99	

Article 2

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 370, 31. 12. 1990, p. 39.

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

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

Done at Brussels, 3 August 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 2272/92

of 3 August 1992

re-establishing the levying of customs duties on products of categories 90 and 100 (order No 40.0900 and 40.1000), originating in South Korea, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/91 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of categories 90 and 100 (order No 40.0900 and 40.1000), originating in South Korea, the relevant ceilings amount to 15 and 17 tonnes respectively ;

Whereas on 24 April 1992 imports of the products in question into the Community, originating in South Korea, a country covered by preferential tariff arrangements, reached and were charged against those ceilings ;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to South Korea,

HAS ADOPTED THIS REGULATION :

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in South Korea :

Order No	Category (unit)	CN code	Description
40.0900	90 (tonnes)	5607 41 00 5607 49 11 5607 49 19 5607 49 90 5607 50 11 5607 50 19 5607 50 30 5607 50 90	Twine, cordage, ropes and cables, of synthetic fibres, plaited or not
40.1000	100 (tonnes)	5903 10 10 5903 10 90 5903 20 10 5903 20 90 5903 90 10 5903 90 91 5903 90 99	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials

Article 2

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 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1. Last amended by Council Regulation (EEC) No 282/90 (OJ No L 159, 12. 6. 1992, p. 1).

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

Done at Brussels, 3 August 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 2273/92

of 3 August 1992

re-establishing the levying of customs duties on products of category 20 (order No 40.0200), originating in Sri Lanka, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 20 (order No 40.0200), originating in Sri Lanka, the relevant ceiling amounts to 232 tonnes;

Whereas on 24 April 1992 imports of the products in question into the Community, originating in Sri Lanka, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Sri Lanka,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Sri Lanka:

Order No	Category (unit)	CN code	Description
40.0200	21 (tonnes)	6302 21 00 6302 22 90 6302 29 90 6302 31 10 6302 31 10 6302 31 90 6302 32 90 6302 39 90	Bed linen, other than knitted or crocheted

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, 3 August 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

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

COMMISSION REGULATION (EEC) No 2274/92

of 3 August 1992

re-establishing the levying of customs duties on products of category 35 (order No 40.0350), originating in Pakistan and China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of category 35 (order No 40.0350), originating in Pakistan and China, the relevant ceilings amount to 264 and 53 tonnes respectively ;

Whereas on 9 June 1992 imports of the products in question into the Community, originating in Pakistan and China, a country covered by preferential tariff arrangements, reached and were charged against those ceilings ;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan and China,

HAS ADOPTED THIS REGULATION :

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan and China :

Order No	Category (unit)	CN code	Description
40.0350	35 (tonnes)	5407 10 00	Woven fabrics of synthetic fibres (continuous), other than those for tyres of category 114
		5407 20 90	
		5407 30 00	
		5407 41 00	
		5407 42 10	
		5407 42 90	
		5407 43 00	
		5407 44 10	
		5407 44 90	
		5407 51 00	
		5407 52 00	
		5407 53 10	
		5407 53 90	
		5407 54 00	
		5407 60 10	
		5407 60 30	
		5407 60 51	
		5407 60 59	
		5407 60 90	
		5407 71 00	
5407 72 00			
5407 73 10			

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

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

Order No	Category (unit)	CN code	Description
40.0350 (cont'd)		5407 73 91	
		5407 73 99	
		5407 74 00	
		5407 81 00	
		5407 82 00	
		5407 83 10	
		5407 83 90	
		5407 84 00	
		5407 91 00	
		5407 92 00	
		5407 93 10	
		5407 93 90	
		5407 94 00	
		ex 5811 00 00	
		ex 5905 00 70	

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, 3 August 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

**COMMISSION REGULATION (EEC) No 2275/92
of 3 August 1992**

re-establishing the levying of customs duties on products of category 41 (order No 40.0410), originating in India, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 41 (order No 40.0410), originating in India, the relevant ceiling amounts to 750 tonnes;

Whereas on 6 May 1992 imports of the products in question into the Community, originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 August 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in India:

Order No	Category (unit)	CN code	Description
40.0410	41 (tonnes)	5401 10 11	Yarn of synthetic filament (continuous), not put up for retail sale, other than non-textured single yarn untwisted or with a twist of not more than 50 turns per metre
		5401 10 19	
		5402 10 10	
		5402 10 90	
		5402 20 00	
		5402 31 10	
		5402 31 30	
		5402 31 90	
		5402 32 00	
		5402 33 10	
		5402 33 90	
		5402 39 10	
		5402 39 90	
		5402 49 10	
		5402 49 91	
		5402 49 99	
		5402 51 10	
		5402 51 30	
		5402 51 90	
		5402 52 10	
		5402 52 90	
		5402 59 10	
		5402 59 90	
		5402 61 10	
		5402 61 30	
		5402 61 90	
		5402 62 10	
		5402 62 90	
		5402 69 10	
		5402 69 90	
		ex 5604 20 00	
		ex 5604 90 00	

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

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

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, 3 August 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 2276/92
of 4 August 1992

laying down detailed rules for the application of Article 21 of Council Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1156/92⁽²⁾, and in particular Article 21 (4) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion 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 2 (5) and Article 12 thereof,

Whereas Article 21 of Regulation (EEC) No 1035/72 provides that products withdrawn from the market under Articles 15b and 18 or bought in pursuant to Articles 19 and 19a of that Regulation may be distributed free to various recipients;

Whereas transport costs are incurred in carrying the abovementioned products from the places of withdrawal or buying-in to the places of actual distribution; whereas standard rates should accordingly be fixed for defraying such transport costs;

Whereas, in order to avoid risks of distortion of monetary origin, a rate which is close to the real cost should be used and the conversion rate-correcting factor referred to in Article 2 (2) of Regulation (EEC) No 1676/85 should be applied; whereas Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 3237/90⁽⁶⁾, provides for the publication of such rates;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁶⁾ OJ No L 310, 9. 11. 1990, p. 18.

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

HAS ADOPTED THIS REGULATION:

Article 1

Depending on the distance between the point of withdrawal and the place of delivery the following standard amounts shall be charged to the EAGGF Guarantee Section for the costs of transport within national territory of products withdrawn from the market under Articles 15b and 18 of Regulation (EEC) No 1035/72 or bought in under Articles 19 and 19a thereof for free distribution as provided for in the first, fifth and sixth indents of Articles 21 (1) (a) of that Regulation:

(ECU/100 kg gross weight)

— less than 25 km :	1,20
— at least 25 km but less than 200 km :	2,50
— at least 200 km but less than 350 km :	3,50
— at least 350 km but less than 500 km :	5,00
— 500 km or more :	6,50
— supplementary charge in the case of transport by refrigerated wagon or other refrigerated vehicle :	0,60

By way of derogation from Article 2 of Regulation (EEC) No 1676/85, the amounts laid down in the first paragraph shall be converted into national currency using the representative market rate provided for in Article 3a of Regulation (EEC) No 3152/85 and applicable on 1 August 1992.

Article 2

1. The products shall be distributed in such a way as to reduce transport costs to a minimum.

2. The Member States shall monitor the destination and utilization of the products concerned. They shall forward a summary statement to the Commission each month of the quantities of products distributed free pursuant to Articles 21 of Regulation (EEC) No 1035/72.

Article 3

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

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

Done at Brussels, 4 August 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 2277/92

of 4 August 1992

altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 2190/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 2190/92

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2190/92, are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 5 August 1992.

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

Done at Brussels, 4 August 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 217, 31. 7. 1992, p. 117.

ANNEX

to the Commission Regulation of 4 August 1992 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04 02	50,00 20,00
1001 90 91 000	—	—
1001 90 99 000	04 02	40,00 20,00
1002 00 00 000	03 02	21,00 20,00
1003 00 10 000	—	—
1003 00 90 000	04 02	40,00 20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04 02	60,00 0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	96,00
1101 00 00 130	01	90,00
1101 00 00 150	01	83,00
1101 00 00 170	01	76,00
1101 00 00 180	01	71,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	96,00
1102 10 00 700	—	—
1102 10 00 900	—	—
1103 11 10 200	01	166,50
1103 11 10 400	01	148,00
1103 11 10 900	01	0
1103 11 90 200	01	96,00
1103 11 90 800	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla.

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

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

COMMISSION REGULATION (EEC) No 2278/92**of 4 August 1992****altering the corrective amount applicable to the refund on cereals**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 2191/92 ⁽⁴⁾, as amended by Regulation (EEC) No 2214/92 ⁽⁵⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 2191/92 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 August 1992.

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

Done at Brussels, 4 August 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 217, 31. 7. 1992, p. 121.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 63.

ANNEX

to the Commission Regulation of 4 August 1992 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		8	9	10	11	12	1	2
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	0	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	0	0	0	0	0
1103 11 10 400	01	0	0	0	0	0	0	0
1103 11 10 900	01	0	0	0	0	0	0	0
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

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

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

COMMISSION REGULATION (EEC) No 2279/92
of 4 August 1992

altering the import levies on products processed from cereals and 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 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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 674/92 ⁽⁴⁾, and in particular Article 12 (4) 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 ⁽⁵⁾ as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2197/92 ⁽⁷⁾, as amended by Regulation (EEC) No 2249/92 ⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87 ⁽⁹⁾, amended Council Regulation (EEC) No 2744/75 ⁽¹⁰⁾, as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.
⁽⁷⁾ OJ No L 218, 1. 8. 1992, p. 9.
⁽⁸⁾ OJ No L 219, 4. 8. 1992, p. 5.
⁽⁹⁾ OJ No L 188, 8. 7. 1992, p. 30.
⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 3 August 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78 ⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2197/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 5 August 1992.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.
⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 4 August 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 4 August 1992 altering the import levies on products processed from cereals and rice

(ECU / tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (*)
1102 90 90	155,36	158,38
1103 19 90	155,36	158,38
1103 29 90	155,36	158,38
1104 19 99	274,16	280,20
1104 29 19	243,70	246,72
1104 29 39	243,70	246,72
1104 29 99	155,36	158,38

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

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

COMMISSION REGULATION (EEC) No 2280/92
of 4 August 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 first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1835/92⁽³⁾, as last amended by Regulation (EEC) No 2154/92⁽⁴⁾, 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 11,08' is hereby replaced by 'ECU 16,03'.

Article 2

This Regulation shall enter into force on 5 August 1992.

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

Done at Brussels, 4 August 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.
⁽⁴⁾ OJ No L 214, 30. 7. 1992, p. 32.

COMMISSION REGULATION (EEC) No 2281/92

of 4 August 1992

abolishing the countervailing charge on certain varieties of plums originating in the United States of America

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 Regulation (EEC) No 1035/72 of the Council 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 2156/92⁽³⁾ introduced a countervailing charge on certain varieties of plums originating in the United States of America;

Whereas the present trend of prices for products originating in the United States of America on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the

provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in the United States of America can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2156/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 5 August 1992.

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

Done at Brussels, 4 August 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 214, 30. 7. 1992, p. 34.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 June 1992

authorizing the Italian Republic to apply intra-Community surveillance in respect of bananas originating in certain third countries and put into free circulation in the other Member States

(Only the Italian text is authentic)

(92/397/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987, on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty⁽¹⁾, and in particular Articles 1, 2 and 5 thereof;

Whereas on 18 June 1992, the Italian Government applied for authorization to apply intra-Community surveillance to imports of bananas falling within CN code 0803 00 10 originating in certain third countries other than the African, Caribbean and Pacific (ACP) States⁽²⁾ and put into free circulation in the other Member States;

Whereas the Italian Government has stated that the circumstances which led the Commission to adopt intra-Community surveillance measures in the past still prevail, namely the need to ensure the effectiveness of the commercial policy measures which Italy applied in respect of direct imports of fresh bananas originating in certain third countries other than the ACP States in order to attain the objective laid down in Protocol 5 to the Lomé Convention;

Whereas, as indicated by the Italian Government, in view of the serious domestic crisis in Somalia, which is disrupting exports of bananas to the Italian market from this

traditional ACP supplier, imports of bananas from the dollar zone, direct or from other Member States, need to be controlled in order to ensure that the objectives of the Protocol referred to above are achieved;

Whereas, in these circumstances and with regard to the achievement of the single market in the Community, it is therefore necessary to authorize the Italian republic to apply intra-Community surveillance until 31 December 1992 to imports of the products in question,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic is hereby authorized to apply intra-Community surveillance until 31 December 1992 to imports of bananas falling within CN code 0803 00 10 originating in the third countries listed in the Annex and put into free circulation in the other Member States, in accordance with Decision 87/433/EEC.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 25 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 238, 21. 8. 1987, p. 26.

⁽²⁾ Bolivia, Canada, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Phillippines, United States of America, Venezuela.

*ANNEX***Third countries of origin referred to in Article 1 :**

Bolivia	Honduras
Canada	Mexico
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Philippines
Ecuador	United States of America
El Salvador	Venezuela.
Guatemala	

COMMISSION DECISION

of 6 July 1992

**on the compliance of certain air fares with the requirements of Article 3 (1) of
Council Regulation (EEC) No 2342/90**

(92/398/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2342/90 of 24 July 1990 on fares for scheduled air services⁽¹⁾ and in particular Article 5 (3) thereof,

Whereas the Government of the United Kingdom requested the Commission by letter dated 15 April 1991, registered by the Commission on 2 May 1991, to examine, pursuant to Article 5 (1) of Regulation (EEC) No 2342/90, a number of fare increases filed by Community air carriers for certain routes to and from the United Kingdom;

Whereas the United Kingdom withdrew that request in relations to some inbound fares by letters dated 16 May 1991 and 16 July 1991;

Whereas a detailed examination of the information on costs and revenues as provided by the air carriers concerned following various requests of the Commission has led to certain conclusions based upon the criteria explained in Annex III,

HAS ADOPTED THIS DECISION:

Article 1

The air fares listed in Appendix 1 to this Decision comply with Article 3 (1) of Regulation (EEC) No 2342/90.

Article 2

The air fares listed in Appendix 2 to this Decision do not comply with Article 3 (1) of Regulation (EEC) No 2342/90. These fares cannot, therefore, serve as reference fares for subsequent seasons. Member States concerned have not fulfilled their obligations under Article 3 (1) of the Regulation. They are requested to take appropriate measures in order to comply with these obligations and to inform the Commission accordingly.

Article 3

This Decision is addressed to the competent authorities of Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, Portugal, the United Kingdom and to the Community air carriers Sabena, SAS, Lufthansa, Olympic Airways, Iberia, Air France, Alitalia, Luxair, TAP Air Portugal and British Airways.

Done at Brussels, 6 July 1992.

For the Commission

Karel VAN MIERT

Member of the Commission⁽¹⁾ OJ No L 217, 11. 8. 1990, p. 1.

ANNEX I

Fares for which the Commission's examination pursuant to Article 5 of Regulation (EEC) No 2342/90 has led to the conclusion that they are in compliance with the criteria laid down in Article 3 (1)

Route	Airline	Tarif	
		Outbound	Inbound
LHR-CPH	BA	£ 216	—
MAN-CPH	BA	£ 205	—
LHR-BRU	BA	£ 145	BFR 9 490
MAN-BRU	BA	£ 173	—
LHR-FCO	BA	£ 250	—
LHR-LIN	BA	£ 199	—
MAN-LIN	BA	£ 254	—
LHR-PSA	BA	£ 221	—
LHR-TRN	BA	£ 201	LIT 560 000
LHR-VCE	BA	£ 229	—
LHR-BLQ	BA	£ 228	LIT 543 000
LHR-LUX	BA	£ 166	LFR 10 420
LHR-ATH	BA	£ 328	—
LHR-MAD	BA	£ 229	—
LHR-BCN	BA	£ 215	—
LHR-AGP	BA	£ 253	ESP 62 500
LON-LIS	BA	£ 231	—
LGW-FAO	BA	£ 249	—
MAN-CDG	BA	£ 204	—
LHR-NCE	BA	£ 192	—
LHR-NCE	BA	£ 202	—
LHR-BOD	BA	£ 205	—
LHR-FRA	BA	£ 175	—
LHR-DUS	BA	£ 140	—
LHR-HAM	BA	£ 189	—
LHR-CGN	BA	£ 140	—
LHR-HAJ	BA	£ 189	—
LHR-STR	BA	£ 192	—
LHR-BRE	BA	£ 170	—
MAN-DUS	BA	£ 192	—
MAN-FRA	BA	£ 204	—
LHR-MUC	BA	£ 208	—
LHR-TXL	BA	£ 200	—
CPH-LHR	SK	DKK 2 880	£ 216
CPH-MAN	SK	DKK 2 945	£ 205
BRU-LHR	SN	BFR 9 490	£ 145
BRU-MAN	SN	BFR 12 180	£ 173
FCO-LHR	AZ	—	£ 250
LIN-LHR	AZ	—	£ 199
LIN-MAN	AZ	LIT 688 000	£ 254
PSA-LHR	AZ	—	£ 221
TRN-LHR	AZ	LIT 560 000	£ 201
VCE-LHR	AZ	—	£ 229
BLQ-LHR	AZ	LIT 543 000	£ 228
ATH-LHR	OA	GRD 113 600	£ 328
ATH-LHR	OA	GRD 107 100	—
MAD-LHR	IB	—	£ 229
BCN-LHR	IB	—	£ 215
AGP-LHR	IB	ESP 62 500	£ 253
LIS-LON	TP	—	£ 231
FAO-LGW	TP	—	£ 249

Route	Airline	Tarif	
		Outbound	Inbound
CDG-BHX	AF	—	£ 185
CDG-MAN	AF	—	£ 204
NCE-LHR	AF	—	£ 202
NCE-LHR	AF	—	£ 192
BOD-LHR	AF	—	£ 205
FRA-LHR	LH	—	£ 175
DUS-LHR	LH	—	£ 140
HAM-LHR	LH	—	£ 189
CGN-LHR	LH	—	£ 140
HAJ-LHR	LH	—	£ 189
STR-LHR	LH	—	£ 192
BRE-LHR	LH	—	£ 170
MUC-LHR	LH	—	£ 208
FRA-BHX	LH	—	£ 209
DUS-MAN	LH	—	£ 192
FRA-MAN	LH	—	£ 204
DUS-BHX	LH	—	£ 172
TXL-LHR	LH	—	£ 200

ANNEX II

Fares for which the Commission's examination pursuant to Article 5 of Regulation (EEC) No 2342/90 has led to the conclusion that they are not in compliance with the criteria laid down in Article 3 (1)

Route	Airline	Tarif	
		Outbound	Inbound
LHR-CPH	BA	—	DKK 2 880
MAN-CPH	BA	—	DKK 2 945
MAN-BRU	BA	—	BFR 12 180
LHR-FCO	BA	—	LIT 723 000
LHR-LIN	BA	—	LIT 575 000
MAN-LIN	BA	—	LIT 688 000
LHR-PSA	BA	—	LIT 643 000
LHR-VCE	BA	—	LIT 652 000
LHR-ATH	BA	—	GRD 107 100
LHR-ATH	BA	—	GRD 113 600
LHR-MAD	BA	—	ESP 56 450
LHR-BCN	BA	—	ESP 45 150
BHX-CDG	BA	£ 185	—
BHX-DUS	BA	£ 172	—
BHX-FRA	BA	£ 209	—
FCO-LHR	AZ	LIT 723 000	—
LIN-LHR	AZ	LIT 575 000	—
PSA-LHR	AZ	LIT 643 000	—
VCE-LHR	AZ	LIT 652 000	—
LUX-LHR	LG	LFR 10 420	£ 166
MAD-LHR	IB	ESP 56 450	—
MAD-BCN	IB	ESP 45 150	—

ANNEX III

Compliance of air fares with the requirements of Article 3 (1) of Regulation (EEC) No 2342/90**1. Introduction**

By note date 15 April 1991 (received by the Commission on 2 May 1991) the competent authorities of the United Kingdom have formally requested the Commission to examine whether a number of air fares comply with Article 3 (1) of the above Regulation. The air fares have comply with Article 3 (1) of the above Regulation. The air fares have been filed by British Airways on behalf of itself and Sabena, TAP, Air France, SAS, Lufthansa, Iberia, Alitalia, Olympic, Airways and Luxair for the summer season 1991.

In addition the Commission was asked to examine if the Member States concerned had carried out their responsibility under Article 3 (3) of the Regulation.

By notes of 16 May and 16 July 1991 the United Kingdom authorities have withdrawn their request for some inbound fares which, therefore, have not been examined by the Commission.

2. Obligations of the Commission, Member States and air carriers**2.1. General**

Regulation (EEC) No 2342/90 has established a system of double disapproval for air fares which exceed a reference fare ⁽¹⁾ by more than 5 %. In this area a proposed fare can only be prevented from entering into force if both Member States concerned disapprove. However, a safeguard has been built into the Regulation which allows a state to submit the matter to the Commission for a decision since Member States are obliged not to approve a fare (Article 3 (3)) that is, in relation to the criteria defined in Article 3 (1), excessively high to the disadvantage of users or unjustifiably high in view of users or unjustifiably low in view of the competitive market situation.

Article 3 (1) established that air fares must be reasonably related to the long-term fully allocated relevant costs of the applicant air carrier.

2.2. Commission

According to Article 5 whenever the Commission receives such a request it must first inform the other Member States and the air carriers concerned and give them the possibility to submit any comment which they might wish to make. This was done by letter of 6 May 1991.

Furthermore, the Commission must decide within 14 days of receipt whether the air fares shall remain in force during the examination. The Commission in view of the situation during the Gulf crisis, decided to allow the air fares to remain in force during the examination period ⁽²⁾.

Finally, the Commission has to decide whether the air fares in question are reasonably related to the long-term fully allocated relevant costs of the applicant air carrier.

2.3. Member States and air carriers

In addition to their obligations pursuant to Article 3 (1) and 3 (3) of the Regulation (EEC) No 2342/90 Member States are pursuant to Article 9 obliged to make available to the Commission all necessary information required for carrying out a thorough scrutiny of the situation. The same obligation applies for air carriers.

3. The criteria of Article 3 (1)**3.1. General**

It is necessary to look at the air fares against the long-term fully allocated relevant costs and to examine what these concepts mean.

Long-term will clearly mean that short-term fluctuations in costs cannot be taken into account. Therefore, changes in costs and revenues have to be taken into account only if the available information suggests that they go beyond usual short-term variations.

Fully allocated relevant costs would mean that all costs which relate to an air fare must be allocated fully and not only to the route in question. Any marginal approach, although commercially reasonable, would not be acceptable. On the other hand it would also mean that costs which relate to other air fares shall not be considered.

⁽¹⁾ See definition given in Appendix to Annex II of Regulation (EEC) No 2342/90.

⁽²⁾ Decision of 16. 5. 1991.

3.2. Route costs

In the first instance this would mean that all directly attributable costs to the routes in question must be taken into account. Such costs would include fuel, airport charges, flight crew etc. Current accounting practices already follow this approach.

The allocation of indirect costs per route is more complex. Inevitably it is necessary to specify a number of assumptions in order to allocate such costs to routes and thereafter. It is possible to allocate costs to specific routes fairly accurately.

Several accounting methods exist and an air carrier may for one reason or another prefer one specific system. It is not the Commission's task to set out which method is the correct one, indeed this would not be possible. An air carrier, however, must use the method chosen in a consistent and controllable way and it must make sure that all indirect costs are allocated. The Commission can then proceed on the basis of the breakdown of costs used by the individual air carrier.

3.3. Fare-type costs

From this point on it is necessary to make a number of assumptions in order to calculate the costs related to a specific fare-type.

On international flights different fare-types can be divided into fully flexible fares (first class, business and economy) and promotional fares (Eurobudget, PEX, APEX). They differ in respect to service to passengers (seat pitch, meals etc.) varying passenger services and, in particular, with regard to the conditions attached.

On intra-European flights the lowest fully flexible fare, i.e. the lowest fare without any restrictions on use is considered to be, in terms of Regulation (EEC) No 2342/90, the reference fare. The request presented by the United Kingdom, aims at examining this fare-type. In the case of British Airways the so-called club-fare must be considered as the lowest fully flexible fare.

The costs of producing a seat do not differ greatly between the various classes. The premium classes offer more room per seat and better cabin services. These cost differences can be estimated by introducing some simple assumptions.

The real difference with regard to the cost level of different fare-types, however, results from the conditions attached to the air fare or lack of same. The normal fully flexible economy fare (or club) carries no penalty if the passenger decides not to use his reservation. The opposite is true for promotional fares. This means that air carriers calculate with load factors which are considerably higher for promotional fares than for fully flexible fares. Statistics bear this out and while promotional fares have only a small percentage of 'no shows' a much higher percentage can be expected for fully flexible fares. In fact load factors of 55-60 % are normally realised for fully flexible fares while about 85 % are realized for promotional fares. Such figures naturally assume that the air carrier is able to operate the right equipment and has an efficient yield management system.

In conclusion it can be stated that costs can be allocated with a good degree of accuracy to a route but that certain assumptions then have to be made, in particular about a reasonable load factor, in order to calculate the costs in relation to specific fare-types.

It should be noted that air fares can, in addition to the criteria of the Regulation (EEC) No 2342/90, always be examined on the basis on the relevant competition rules.

4. *Relationship between an air fare and costs*

The final measure for any company must clearly be the overall profit at company level. Although in past years most air carriers only realized profits before tax of about 2 % it is generally recognized that a profit margin between 10 and 15 % would be reasonable i.e. an operating ratio (OR) of 110-115 to cover financial charges and to provide a return to equity. At present very few air carriers are able to achieve the latter⁽¹⁾.

This ratio cannot, however, be applied directly on a route to route basis. It must be accepted that a normal air carrier's network will include some good routes and some bad i.e. a certain degree of cross-subsidization between routes is justifiable.

⁽¹⁾ An operating ratio indicates the relationship between revenues and costs.

On a route basis therefore a further 10 % margin would not be excessive which would bring the acceptable operating ratio to about 125. In addition to this it is necessary to reckon a margin for errors in allocating costs of about 10 % which would mean that a reasonably justifiable operating ratio for an air fare would approach 140. This corresponds to the threshold used for the earlier case before the Commission (Sterling Airways case)⁽¹⁾.

In order to calculate the operating ratio for the air fare it is necessary to make an assumption of a reasonable load factor⁽²⁾. In the Commission's assessment a load factor of 55 % has been used. This is in most instances significantly lower than that which the air carriers have been able to achieve but it is normally acknowledged that this is a reasonable albeit cautious value in order to carry out such an assessment.

The elements considered when calculating fare-type ORs are attached.

The overall profitability of a route may, under certain circumstances, be important for assessing the compatibility of our air fares on the route in question.

A poor route performance, i.e. the route is running at a loss or just covering costs, may indicate that certain assumptions of the calculation have not been correct. It cannot be excluded that a load factor of 55 % is not achieved on specific, economically difficult routes and that possibilities to downsize the equipment used are, for technical reasons, limited. Similar considerations may be valid for new routes under development. In these cases a poor route performance may outweigh the conclusions based on the calculation of a fare-type related OR.

A poor route performance may, however, be compatible with the conclusion that a specific fare is too high. These cases indicate cross-subsidiation between fare-types in the sense that the low price elasticity for fully flexible fares (business travels) is used for financing artificially low promotional fares (leisure travel). Such a situation may distort competition between carriers and is, therefore, not acceptable.

Although the poor profitability of a route may lead an air carrier to optimize its income by increasing fares in market segments with a low price elasticity of demand it would be difficult to accept this where little or no competition exists for fully flexible fares and, in particular, in situations where competition exists for promotional fares e.g. where charter traffic is important. In such circumstances the low promotional fares for scheduled airlines may even constitute predatory behaviour.

To take account of the developments over a longer term the Commission generally approved fares with an operating ratio above 140 if the route showed overall negative results for at least two seasons; fares with very high fare-type OR (more than 180) were, however, disapproved.

5. *Approach in practice*

In view of the fact that information on both routes and air fare profitability is necessary, the Commission's services have written to the air carriers and Member States concerned and asked them to provide such information⁽³⁾. It has been extremely difficult and time-consuming for the Commission to obtain the necessary information from the different airlines. Due to the turbulences caused by the Gulf crisis some carriers have had problems in providing updated data about their costs; others have not yet established calculation methods which correspond to the requirements of the Regulation.

For the Commission's approach in practice, the following points should be noted:

- The situation for the preceding season(s) has been examined and the general development of the fare has been observed i.e. whether the operating ratio is diminishing or increasing. The overall profitability of the route has also been noted as well as the competitive situation (i.e. number of air carriers active on the route in question) and the OR for the air fares have been calculated. To exclude the effects of short-term fluctuations, the Commission has taken a flexible viewpoint and, in general, not disapproved fares which are beyond the threshold of an operating ratio (OR) of 140 if the overall results for the route concerned were negative for at least two seasons.
- The examination of costs was carried out solely on the basis of information provided through the individual accounting systems of the air carriers concerned, including the breakdown into cost categories.

⁽¹⁾ Written procedure E/1771/80.

⁽²⁾ See point 3.3.

⁽³⁾ According to Article 9 of Regulation (EEC) No 2342/90 airlines and Member States are obliged to provide all necessary information to the Commission.

- Since air fares in many instances differ significantly between inbound and outbound a separate analysis has been carried out for each of these fares.

- For the allocation of all relevant costs some airlines have had difficulties in providing updated data because their accountancy systems were not up-to-date or because they were unable to provide cost data on a route-by-route basis. So far, the Commission has taken a flexible view and tried to accommodate these difficulties by a number of estimates and assumptions.

- Some airlines told the Commission that the factors attributing a higher percentage of the total cost to business class (+ 6 % for seat-related costs and + 10 % for passenger-related costs) were too low. The Commission is looking into improving the methodology used for its decisions, in cooperation with experts from the airlines and the Member States. For the present proposal, however, the Commission arrived at the conclusion that the built-in margin of error of 15 % should take account of these uncertainties. Nevertheless, the OR threshold of 140 has been applied in a very flexible manner.

- A number of routes showed extremely high OR for business class (up to around 200) and negative overall results for the route. That means that these airlines attempt to have very low fares for the leisure traffic with cross-subsidization from the business traffic. Such a situation may distort competition and is not acceptable for routes where little or no competition exists for fully flexible fares and, in particular, in situations where competition exists for promotional fares e.g. where charter traffic is important. Therefore, fares with any very high fare-type OR (above 180) have been disapproved, according to the information furnished by the airlines, even if the overall route performance was negative over two seasons.

- In the case of interlining an air carrier will not receive the full fare but only a prorated part. However, this is taken into account when calculating the operating ratio for the route.

- It must be assumed that in most situations where access to a route is limited because of capacity problems then competition would normally be severely restricted. Of the routes in question this is the case in particular for those using Heathrow and Gatwick. However, even if the fare had been disapproved according to the criteria mentioned above, it would have been accepted if there was sufficient competition on the route (in general at least three carriers with at least 20 % market share each provided that all these carriers could act as price leaders). There was in fact one route where this criterion was applied. For three other routes, the fares were not approved because the OR was too high and the third carrier, even though with a market share above 20 %, was servicing the route on fifth freedom rights within price leadership.

- It should be recalled that the examination concerns the fully flexible fares which for some time have been considered as too high in Europe. In this context it becomes difficult to be convinced about competition on a route when the air carrier in question refers back to the agreement reached at IATA as justification for the air fare. — Other companies told the Commission that they were just matching their fares with those of their competitors according to Article 3 (5) of Regulation (EEC) No 2342/90. However, Article 5 (1) would lose its sense if the Commission accept such a matching-up to a higher fare level as justification for the cost-relatedness referred to in Article 3 (1).

- The fares examined were put in force for the summer season 1991 which was heavily influenced by the negative effects of the Gulf crisis. In fact, the route OR calculated on the basis on the real 1991 data (in so far as provided for by airlines) showed in most cases a remarkable drop compared to previous seasons. However, according to the method mentioned above, negative route results can only be considered if they are maintained over a longer period, that is over at least two seasons (Article 3 (1) of Regulation No 2342/90 expressly referring to the long-term fully allocated relevant costs). For the summer season 1991 this approach could, therefore in most cases, not yet take the effect of the Gulf crisis into account.

The Commission is however of the opinion that the Gulf crisis had negative effects over a longer term (that is well into 1992), particularly with regard to the level of load factors. When deciding in May 1991 not to suspend the tariffs during examination, the Commission already expressly referred to the Gulf crisis. To be consistent with this decision and to take account of the difficult situation the aviation industry had to face in 1991, the Commission again checked all fares which would have been disapproved according to the method so far applied. The operating ratios were recalculated on

the basis of load factors which according to the (limited) information provided by the airlines were severely reduced in summer 1991. Instead of 55 % for the business class the Commission applied to these tariffs a load factor of 45 %, and instead of 80 % for other (promotional) traffic a load factor of 70 %. As a result, the Commission, as an exception, approved a total of 18 fares on routes which were particularly affected by the Gulf crisis and which under normal circumstances would have had an OR clearly above the threshold of 140.

In the light of the foregoing considerations the Commission decided to accept fares not only if the fare-type operating ratio is, according to the abovementioned methodology, below 140, but also :

- when the route is running at a loss or just covering costs, without indication of cross-subsidization between business class and discount fares. This is assumed to be the case if the operating ratio for the route has been below 100 during at least two seasons, unless the fare-type OR was very high (above 180),
 - on a route which is operated by more than two carriers and where the market share of the third (fourth, fifth) carrier(s) is above 20 % and on condition that they may act as price leaders. In these cases it is assumed that workable competition on the route in question will by virtue of market fares put pressure on too high fares,
 - where the load factors severely reduced in 1991 by the effects of the Gulf crisis, have drawn the fare-type operating ratios below the threshold of 140.
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