

Official Journal

of the European Communities

ISSN 0378-6978

L 374

Volume 35

22 December 1992

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3682/92

of 21 December 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 18 December 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 22 December 1992.

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

Done at Brussels, 21 December 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 21 December 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	134,03 (°) (°)
0712 90 19	134,03 (°) (°)
1001 10 10	173,70 (°) (°) (10)
1001 10 90	173,70 (°) (°) (10)
1001 90 91	146,73
1001 90 99	146,73 (11)
1002 00 00	157,21 (°)
1003 00 10	126,36
1003 00 90	126,36 (11)
1004 00 10	115,42
1004 00 90	115,42
1005 10 90	134,03 (°) (°)
1005 90 00	134,03 (°) (°)
1007 00 90	136,53 (°)
1008 10 00	50,47 (11)
1008 20 00	111,86 (°)
1008 30 00	39,27 (°)
1008 90 10	(°)
1008 90 90	39,27
1101 00 00	218,22 (°) (11)
1102 10 00	233,09 (°)
1103 11 10	281,74 (°) (10)
1103 11 90	234,86 (°)

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

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

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

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

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

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

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

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

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

(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 3683/92

of 21 December 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 18 December 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 22 December 1992.

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

Done at Brussels, 21 December 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 21 December 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
	12	1	2	3
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
	12	1	2	3	4
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 3684/92

of 17 December 1992

extending Regulation (EEC) No 3779/91 fixing the export refunds on baled tobacco from the 1991 harvest

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 860/92 ⁽²⁾, and in particular the first sentence of the third subparagraph of Article 9 (2) thereof,Whereas export refunds were fixed in respect of certain varieties of tobacco from the 1991 crop by Commission Regulation (EEC) No 3779/91 ⁽³⁾;

Whereas the final date for granting those refunds was set at 31 December 1992; whereas, in respect of certain varieties of that tobacco, export possibilities after that date have presented themselves; whereas it is advisable to grant refunds in respect of the varieties in question from

the 1991 harvest in order to enable those exports to be carried out;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 3779/91, '31 December 1992' is hereby replaced by '30 June 1993'.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 17 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.⁽²⁾ OJ No L 91, 7. 4. 1992, p. 1.⁽³⁾ OJ No L 356, 24. 12. 1991, p. 54.

COMMISSION REGULATION (EEC) No 3685/92

of 17 December 1992

fixing the export refunds on baled tobacco from the 1992 harvest

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by Regulation (EEC) No 860/92⁽²⁾, and in particular the second subparagraph of Article 9 (1) and the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas under Article 9 of Regulation (EEC) No 727/70 the difference between world prices and Community prices for the products referred to in Article 1 of the said Regulation may be covered by an export refund;

Whereas under Council Regulation (EEC) No 326/71 of 15 February 1971 laying down general rules for granting export refunds on raw tobacco and fixing the amount of such refunds⁽³⁾, as amended by Regulation (EEC) No 1977/87⁽⁴⁾, the granting of refunds must be limited to baled tobacco produced from leaf tobacco harvested in the Community; whereas the refunds must be fixed for each variety produced in the Community in the light of the factors referred to in Article 2 (1) of Regulation (EEC) No 326/71;

Whereas for some varieties the outlets are very limited or involve high transport costs; whereas, moreover, some third countries exporting tobacco charge prices which have a marked effect on the competitive position of Community tobacco; whereas Article 4 of Regulation (EEC) No 326/71 foresees criteria to be taken into account in the assessment of the exceptional cases referred to in the second subparagraph of Article 9 (1) of Regulation (EEC) No 727/70; whereas in view of the abovementioned situation it may be concluded that these circumstances constitute exceptional cases which therefore justify the refund being fixed outside the limits specified in the second subparagraph of Article 9 (1) of Regulation (EEC) No 727/70;

Whereas, as a result of progress in processing and market preparation, an increasingly large part of Community production of certain varieties of tobacco is being exported in the form of threshed (stripped) tobacco;

whereas, consequently, the amount of the refund should be differentiated according to the form in which the baled tobacco is presented; whereas for exports of entirely threshed (stripped) tobacco it should be specified that the refund is to be granted only on the strips, not scraps, and the amount should be increased accordingly to take account of the results of threshing; whereas, to avoid any risk of confusion, the strips must measure at least 0,5 centimetres;

Whereas the trade in threshed (stripped) tobacco involves only a few tobacco varieties; whereas some oriental varieties in particular are not threshed on account of their small leaf size; whereas the refund should therefore be differentiated only for strips from varieties which are actually threshed and the differentiated amount worked out by applying to the basic amount set for unthreshed tobacco of the particular variety the coefficient set in the Annex to Commission Regulation (EEC) No 410/76 of 23 February 1976 fixing the maximum permissible weight losses in connection with the supervision of the first processing and market preparation of tobacco⁽⁵⁾, as last amended by Regulation (EEC) No 841/92⁽⁶⁾;

Whereas, to apply the rules and criteria referred to above in the present situation on the market in tobacco, and in particular in the light of Community and world prices, a refund should be fixed for the products listed in the Annex, at the levels and for the countries specified therein;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of varieties of baled tobacco from the 1992 harvest on which the export refund referred to in Article 9 of Regulation (EEC) No 727/70 is to be granted, the amount of the refund and the countries of destination shall be as specified in the Annexes.

The refund shall be granted on baled tobacco presented in one of the following two forms:

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 91, 7. 4. 1992, p. 1.

⁽³⁾ OJ No L 39, 17. 2. 1971, p. 1.

⁽⁴⁾ OJ No L 184, 3. 7. 1987, p. 55.

⁽⁵⁾ OJ No L 50, 26. 2. 1976, p. 11.

⁽⁶⁾ OJ No L 88, 3. 4. 1992, p. 31.

- (a) tobacco in the form of whole or cut (not stripped) leaves falling within CN code ex 2401 10 (Annex I);

- (b) threshed (totally stripped) tobacco in the form of strips measuring at least 0,5 centimetres, falling within CN code ex 2401 20 (Annex II).

Article 2

This Regulation shall enter into force on 1 January 1993.

It shall apply until 31 December 1993, for those exports where the customs export certificate has been accepted :

- as from 1 January 1993, for varieties No 3 Virgin D, No 7 Bright, No 31 Virginia E and No 33 Virginia P,
- as from 1 July 1993 for the other varieties.

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

Done at Brussels, 17 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

(ECU/kg)

Serial No	Variety	Product code	Amount of the refund on tobacco in the form of whole or cut (unstripped) leaves (Article 1 (2) (a))	Countries of destination (1)
1	Badischer Geudertheimer	2401 10 70 0102	0,34	01
2	Badischer Burley E	2401 10 20 0202	0,34	01
3	Virgin D	2401 10 10 0302	0,30	02
4	(a) Paraguay (Zones A and C)	2401 10 70 0412	0,21	01
	(b) Dragon vert and hybrids thereof, Philippin, Petit-Grammont (Flobecq), Semois, Appelterre	2401 10 70 0422	0,34	01
7	Bright	2401 10 80 0702	0,25	02
8	Burley I	2401 10 20 0802	0,25	02
9	Maryland	2401 10 30 0902	0,30	02
10	Kentucky	2401 10 41 1002	0,44	02
11	(a) Forchheimer Havana II c), e) Hybrids of Badischer Geudertheimer	2401 10 70 1112	0,21	01
13	Xanti-Yaka	2401 10 60 1302	0,35	03
14	(a) Perustiza	2401 10 60 1412	0,35	03
	(b) Samsun	2401 10 60 1422	0,25	03
15	Erzegovina	2401 10 60 1502	0,35	03
17	Basmas	2401 10 60 1702	0,34	03
18	Katerini and similar varieties	2401 10 60 1802	0,34	03
19	(a) Kaba Koulak classic	2401 10 60 1912	0,32	03
	(b) Elassona	2401 10 60 1922	0,32	03
20	(a) Kaba Koulak non classic	2401 10 60 2012	0,41	03
	(b) Myrodata Smyrne, Trapezous, and Phi I	2401 10 60 2022	0,41	03
21	Myrodata Agrinion	2401 10 60 2102	0,41	03
22	Zichnomyrodata	2401 10 60 2202	0,32	03
23	Tsebelia	2401 10 60 2302	0,27	03
24	Mavra	2401 10 60 2402	0,27	03
25	Burley EL	2401 10 20 2502	0,30	02
27	Santa Fé	2401 10 70 2702	0,34	01
28	Burley fermenté	2401 10 70 2802	0,34	01
29	Havana E	2401 10 70 2902	0,34	01
31	Virginia E	2401 10 10 3102	0,20	02
32	Burley E	2401 10 20 3202	0,30	02
33	Virginia P	2401 10 10 3302	0,30	02
34	Burley P	2401 10 20 3402	0,30	02

(1) 01 All third countries.

02 All third countries except the United States and Canada.

03 All third countries except Turkey, Bosnia-Herzegovina, Croatia, Slovenia and the Yugoslav Republics of Serbia, Montenegro and Macedonia.

ANNEX II

Serial No	Variety	Product code	(ECU/kg)	
			Amount of the refund on threshed (totally stripped) tobacco (Article 1 (2) (b))	Countries of destination (1)
1	Badischer Geudertheimer	2401 20 70 0102	0,47	01
2	Badischer Burley E	2401 20 20 0202	0,47	01
3	Virgin D	2401 20 10 0302	0,42	02
4	(a) Paraguay	2401 20 70 0412	0,29	01
	(b) Dragon and hybrids thereof, Philippin, Petit-Grammont (Flobecq), Semois, Appelterre	2401 20 70 0422	0,47	01
7	Bright	2401 20 80 0702	0,36	02
8	Burley I	2401 20 20 0802	0,42	02
9	Maryland	2401 20 30 0902	0,42	02
10	Kentucky	2401 20 41 1002	0,61	02
11	(a) Forchheimer Havana II c), e) Hybrids of Badischer Geudertheimer	2401 20 70 1112	0,29	01
23	Tsebelia	2401 20 60 2302	0,37	03
24	Mavra	2401 20 60 2402	0,37	03
25	Burley EL	2401 20 20 2502	0,42	02
27	Santa Fé	2401 20 70 2702	0,47	01
28	Burley fermenté	2401 20 70 2802	0,47	01
29	Havana E	2401 20 70 2902	0,47	01
31	Virginia E	2401 20 10 3102	0,28	02
32	Burley E	2401 20 20 3202	0,42	02
33	Virginia P	2401 20 10 3302	0,42	02
34	Burley P	2401 20 20 3402	0,42	02

(1) 01 All third countries.

02 All third countries except the United States and Canada.

03 All third countries except Turkey, Bosnia-Herzegovina, Croatia, Slovenia and the Yugoslav Republics of Serbia, Montenegro and Macedonia.

COMMISSION REGULATION (EEC) No 3686/92
of 17 December 1992
amending Regulation (EEC) No 1652/92 fixing, in respect of 1988, 1989 and 1990
crops, export refunds for baled tobacco

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

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 860/92 ⁽²⁾, and in particular the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas export refunds were fixed in respect of certain varieties of tobacco from the 1988, 1989 and 1990 crops by Commission Regulation (EEC) No 1652/92 ⁽³⁾;

Whereas the final date for granting those refunds was set at 31 December 1992; whereas, in respect of certain varieties of that tobacco, export possibilities after that date have presented themselves; whereas it is advisable to grant refunds in respect of the varieties in question from the 1989 and 1990 harvests, in order to enable those exports to be carried out;

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

HAS ADOPTED THIS REGULATION:

Article 1

The text in Article 2, second subparagraph, of Regulation (EEC) No 1652/92 shall be replaced by the following text:

'It shall apply until 31 December 1992 for the 1988 harvest and until 30 June 1993 for the 1989 and 1990 harvests.'

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 17 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 91, 7. 4. 1992, p. 1.

⁽³⁾ OJ No L 172, 27. 6. 1992, p. 42.

COMMISSION REGULATION (EEC) No 3687/92

of 21 December 1992

correcting Regulation (EEC) No 3497/92 fixing the representative market rates to be applied for certain amounts in the context of the common agricultural policy and, in particular, for the calculation of the monetary compensatory amounts and the agricultural conversion rates for the pigmeat sector in the United Kingdom and in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

question ; whereas, therefore, the Regulation in question should be corrected for the period concerned,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION :

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Article 9 (2) thereof,*Article 1*

In the first indent of Article 2 of Regulation (EEC) No 3497/92 '165,993' is hereby replaced by '166,051'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.Whereas Commission Regulation (EEC) No 3497/92 ⁽³⁾ fixes the agricultural conversion rate applicable in the pigmeat sector in Spain ; whereas it transpires that an error was introduced during transcription of the rate in

It shall apply from 7 to 13 December 1992 at the request of the interested party.

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

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽³⁾ OJ No L 357, 7. 12. 1992, p. 47.

COMMISSION REGULATION (EEC) No 3688/92

of 21 December 1992

adapting to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport⁽¹⁾, as last amended by Regulation (EEC) No 3572/90⁽²⁾, and in particular Articles 17 and 18 thereof,

Whereas it is necessary to eliminate the possibilities of fraud in the use of the electronic recording equipment in road transport;

Whereas in the light of experience and in view of the current state of the art it is possible to protect the connecting cables of the appliance to the impulse transmitter in order to make them inviolable;

Whereas, having regard to the lifetime of the existing recording equipment, there is a need to implement this new technology in the Community construction and installation standards for electronic recording equipment;

Whereas it is necessary to break the seal of the recording equipment to install a speed limitation device on the vehicle; whereas such an action is permitted by the Regulation only in an emergency case; whereas it is advisable consequently to amend the Regulation accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Adaptation of Regulation (EEC) No 3821/85 to Technical Progress,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3821/85 is hereby amended as follows:

1. in Article 12, the following paragraph 5 is inserted:

'5. Any seal may be removed by the fitters or workshops approved by competent authorities under paragraph 1 of this Article, or in the circumstances

⁽¹⁾ OJ No L 370, 31. 12. 1985, p. 8.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 12.

described in Annex I, Chapter V, paragraph 4 to this Regulation.';

2. in Annex I, Chapter V, paragraph 4, the following provision (g) is included:

'(g) any cover giving access to the means of adapting the constant of the recording equipment to the characteristic coefficient of the vehicle.'

At the end of paragraph 4, 'Only the seals mentioned in (b), (c) and (e) may be removed in cases of emergency'; is amended as follows:

'The seals mentioned in (b), (c) and (e) are authorized to be removed:

- in case of emergency,
- to install, to adjust or to repair a speed limitation device or any other device contributing to road safety,

provided that the recording equipment continues to function reliably and correctly and is resealed by an approved fitter or workshop immediately after fitting the speed limitation device or any other device contributing to road safety or within seven days in other cases.';

3. in Annex I, Chapter V, the following provision 5 is inserted:

'5. The cables connecting the recording equipment transmitter must be protected by a continuous plastic-coated stainless sheath with crimped ends.'

Article 2

As from 1 January 1994, Member States shall no longer grant EEC approval to any type of recording equipment which does not comply with the provisions of Regulation (EEC) No 3821/85, as amended by this Regulation.

Article 3

As from 1 January 1996, the recording equipment of any new vehicle brought into service for the first time shall comply with Regulation (EEC) No 3821/85, as amended by 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*.

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

Done at Brussels, 21 December 1992.

For the Commission
Karel VAN MIERT
Member of the Commission

COMMISSION REGULATION (EEC) No 3689/92

of 21 December 1992

laying down detailed rules for the application of Council Regulation (EEC) No 719/91 on the use in the Community of TIR carnets and ATA carnets as transit documents and of Council Regulation (EEC) No 3599/82 on temporary importation arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 719/91 of 21 March 1991 on the use in the Community of TIR carnets and ATA carnets as transit documents⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 3599/82 of 21 December 1982 on temporary importation arrangements⁽²⁾, as amended by Regulation (EEC) No 1620/85⁽³⁾, and in particular Article 33 thereof,

Whereas it is necessary to lay down the conditions for the operation of the system for guaranteeing payment of duties and taxes envisaged in the Customs Convention on the ATA Carnet for the Temporary Admission of Goods, hereinafter referred to as the 'ATA Convention';

Whereas with the removal of the internal frontiers of the Community and the abolition of formalities attending the crossing of those frontiers specific procedures have been laid down to determine which Member State has jurisdiction, in the event of an offence or irregularity, for the recovery of duties and other charges; whereas those procedures are laid down in Article 10 of Regulation (EEC) No 719/91 and Article 13 of Commission Regulation (EEC) No 2365/91 of 31 July 1991 laying down the conditions for use of the ATA carnet for the temporary importation of goods into the customs territory of the Community or their temporary exportation from that territory⁽⁴⁾;

Whereas, however, the removal of internal frontiers leaves in existence the 12 guaranteeing associations in the Community, with each one still linked with the customs administration of the country in which it has its headquarters; whereas, consequently, the measures aimed at determining the place where an offence or irregularity occurred lead to the risk of multiple guarantee claims being made in respect of a consignment of goods covered by a single carnet; whereas it is necessary, accordingly, to make uniform arrangements for the provision of informa-

tion and the transfer of proceedings between Member States;

Whereas to that end it is expedient to make provision for the establishment in each Member State of a coordinating office for proceedings on claims relating to ATA carnets;

Whereas the uniform and coordinated operation of all the time limits laid down in the ATA Convention requires that action for recovery should be commenced no sooner than three months after the date of expiry of an ATA carnet;

Whereas the risk of multiple claims in respect of the same goods covered by the same carnet can be diminished by the coordinating office which makes the claim sending an information memo to the coordinating office of the Member State of temporary admission, or whenever such information is necessary; whereas it is necessary to provide a model of this information memo;

Whereas it is also necessary, for the purposes of harmonizing procedures, to make provision for the introduction of a single taxation form for collecting the amount of duties and taxes due;

Whereas a procedure for transferring proceedings between Member States must be instituted for cases where the offence or irregularity is eventually found to have been committed in a Member State other than the one in which the recovery proceedings were originally initiated; whereas it is necessary to lay down the detailed rules applying according to the point in time at which the proceedings are transferred;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Committee for Customs Procedures with Economic Impact and the Committee on Community Transit,

HAS ADOPTED THIS REGULATION:

Article 1

Designation of a coordinating office

1. The customs authorities shall designate a coordinating office in each Member State for any action concerning infringements or irregularities relating to ATA carnets pursuant to Article 10 of Regulation (EEC) No 719/91 and Article 13 of Regulation (EEC) No 2365/91.

⁽¹⁾ OJ No L 78, 26. 3. 1991, p. 6.

⁽²⁾ OJ No L 376, 31. 12. 1982, p. 1.

⁽³⁾ OJ No L 155, 14. 6. 1985, p. 54.

⁽⁴⁾ OJ No L 216, 3. 8. 1991, p. 24.

Those authorities shall inform the Commission of the designation of the coordinating offices together with their full address. A list of the offices shall be published in the *Official Journal of the European Communities*, 'C' series.

2. Where an infringement or irregularity may be held under Article 10 of Regulation (EEC) No 719/91 or Article 13 of Regulation (EEC) No 2365/91 to have been committed in more than one Member State, the Member State where the goods were found or, where the goods have not been found, the Member State whose coordinating office holds the most recent voucher shall be competent to recover duties and taxes.

Article 2

Time of claim

Where the competent authorities of a Member State find that goods covered by an ATA carnet have not been re-exported or regularly discharged within the period laid down in the ATA Convention ⁽¹⁾, a claim shall be sent to the guaranteeing association with which that Member State is linked at the earliest three months after the date of expiry of the carnet, whether it concerns non-discharge of a transit operation or of a temporary importation operation. If the competent authorities find another infringement or irregularity, the claim shall be sent as soon as possible to the guaranteeing association ⁽²⁾.

Article 3

Information memo

Where a claim is made in accordance with Article 2 the coordinating office making the claim shall at the same time, as far as possible, send to the coordinating office in the jurisdiction of which the office of temporary admission is situated, pursuant to the last part of Article 13 (1) of Regulation (EEC) No 2365/91, an information memo drawn up in accordance with the model shown in Annex I.

The information memo shall be accompanied by a copy of the undischarged voucher, if the coordinating office has it in its possession. The information memo may also be used whenever this is deemed necessary.

Article 4

Collection of duties and taxes — Taxation form

1. The amount of duties and taxes arising from the claim referred to in Article 2 shall be calculated by means of the model taxation form set out in Annex II,

completed in accordance with the instructions attached to it.

The taxation form may be sent later than the claim, though not more than three months from the claim and in any event not more than six months from the date on which the customs authorities initiate the recovery proceedings.

2. In accordance with Article 5 of this Regulation and as provided therein, the sending of this form to a guaranteeing association by the customs administration with which that association is connected shall not release the other guaranteeing associations in the Community from an obligation to pay duties and taxes if it is found that the offence or irregularity was committed in a Member State other than the one in which the proceedings were initiated.

3. The taxation form shall be completed in duplicate or triplicate, as necessary. The first copy shall be for the guaranteeing association connected with the customs authority of the Member State in which the claim is made. The second copy shall be retained by the issuing coordinating office. Where necessary the issuing coordinating office shall send the third copy to the coordinating office in whose jurisdiction the office of temporary admission is situated pursuant to the final part of Article 13 (1) of Regulation (EEC) No 2365/91, or whenever such action is deemed necessary.

Article 5

Transfer of proceedings between Member States

1. Where it is established that the offence or irregularity was committed in a Member State other than the one in which the proceedings were initiated, the coordinating office of the first Member State shall close the file as far as it is concerned.

2. For the purposes of closure it shall send to the coordinating office of the second Member State the contents of the file in its possession and if necessary shall refund to the guaranteeing association with which it is connected any sums which that association may have deposited or provisionally paid.

However, the file shall be closed only if the coordinating office of the first Member State receives a discharge from the coordinating office of the second Member State indicating that claim proceedings have been initiated in the latter Member State, in accordance with the rules of the ATA Convention. This discharge shall be drawn up in accordance with the model in Annex III.

⁽¹⁾ Customs Convention on the ATA Carnet for the Temporary Admission of Goods, Brussels, 6 December 1961, Article 6.

⁽²⁾ Suggested by DG XX.

3. The coordinating office of the Member State where the offence or irregularity was committed shall take over the recovery proceedings and where necessary collect from the guaranteeing association with which it is connected the amount of duties and taxes due at the rates in force in the Member State where this office is situated.

4. The proceedings must be transferred within a period of one year counting from the expiry of the carnet on condition that payment has not become definitive pursuant to Article 7 (2) or (3) of the ATA Convention. Should this time limit be exceeded the third and fourth paragraphs of Article 10 (3) of Regulation (EEC)

No 719/91 and the third and fourth paragraphs of Article 13 (2) of Regulation (EEC) No 2365/91 shall apply.

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 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX I

MODEL OF THE INFORMATION MEMO REFERRED TO IN ARTICLE 3

Letter heading of the coordinating office initiating the dispute

Addressee : coordinating office covering the office of temporary importation, or other coordinating office

SUBJECT: ATA CARNET — SUBMISSION OF CLAIM

Be informed that a claim for payment of duties and taxes under the ATA Convention ⁽¹⁾ was sent on⁽²⁾ to our guaranteeing association in respect of:

1. ATA carnet No :
2. Issued by the Chamber of Commerce of :
City :
Country :
3. On behalf of :
Holder :
Address :
4. Expiry date of the carnet :
5. Date set for re-exportation ⁽³⁾ :
6. Number of transit/import voucher ⁽⁴⁾ :
7. Date of endorsement of voucher :

Signature and stamp of the issuing coordinating office.

⁽¹⁾ Article 7 of the ATA Convention, Brussels, 6 December 1961.

⁽²⁾ Enter date of dispatch.

⁽³⁾ Details obtained from the undischarged transit or temporary importation voucher or, if no voucher is available, from the information available to the issuing coordinating office.

⁽⁴⁾ Delete whichever is not applicable.

ANNEX II

Taxation form No of

The following particulars must be given in the order shown :

- 1. ATA carnet No :
- 2. Number of transit/import voucher (!):
- 3. Date of endorsement of voucher :
- 4. Holder and address :
- 5. Chamber of commerce :
- 6. Country of origin :
- 7. Date of expiry of carnet :
- 8. Date set for the re-exportation of the goods :
- 9. Customs office of entry :
- 10. Customs office of temporary admission :
- 11. Trade description of goods :
- 12. CN code :
- 13. Number of pieces :
- 14. Weight or volume :
- 15. Value :
- 16. Breakdown of duties and taxes :

Type	Taxable amount	Rate	Amount	Exchange rate
				Total :

(Total in words :)

17. Customs office

Place and date :

Signature

Stamp

(!) Delete whichever is inapplicable.

Taxation Form A No _____ of _____

11. Trade description of goods:

12. CN code:

13. Number of pieces:

14. Weight or volume:

15. Value:

16. Breakdown of duties and taxes:

Type	Taxable amount	Rate	Amount	Exchange rate
Total :				

(Total in words:)

11. Trade description of goods:

12. CN code:

13. Number of pieces:

14. Weight or volume:

15. Value:

16. Breakdown of duties and taxes:

Type	Taxable amount	Rate	Amount	Exchange rate
Total :				

(Total in words:)

Summary

Type	Amount	Method of payment	Exchange rate
Total :			

(Total in words:)

PROVISIONS GOVERNING THE INFORMATION TO BE ENTERED ON THE TAXATION FORM**I. General**

The taxation form shall bear the following letters, indicating the Member State issuing the form :

BE: Belgium
 DK: Denmark
 DE: Germany
 EL: Greece
 ES: Spain
 FR: France
 IE: Ireland
 IT: Italy
 LU: Luxembourg
 NL: Netherlands
 PT: Portugal
 UK: United Kingdom

The taxation form must include the following information under the appropriate headings. It must be completed legibly by the coordinating office referred to in Article 1 (1) of this Regulation.

Headings 1, 2, 3, 4, 5, 6, 7, 8, 11, 13 and 14: Enter the same information as appears on the transit voucher or the import voucher at the bottom of the voucher, at the bottom of the space reserved for customs and in boxes A, G (a), overleaf column 6, G (c), H (b), overleaf column 1, overleaf column 2, overleaf column 3 and overleaf column 4 respectively. If the coordinating office is not in possession of a voucher the information is entered according to the coordinating office's information. Where more than one kind of goods have to be entered on the form they are to be included on taxation form A, the headings on which are to be completed in accordance with these instructions.

Heading 9: State the name of the customs office which completed box H (a) to (e) of the transit voucher, or box H of the import voucher, as the case may be. Failing this, the customs office of entry is entered according to the coordinating office's knowledge of it.

Heading 10: State the name of the customs office which appears in box H (e) of the transit voucher or which completed box H of the import voucher, as the case may be. Failing this, the customs office of temporary admission is entered, according to the coordinating office's knowledge of it.

Heading 15: State the amount, in the currency laid down by the Member State in which the claim was made, of the value for customs purposes in accordance with Council Regulation (EEC) No 1224/80 (OJ No L 134, 31. 5. 1980, p. 1).

Heading 16: State on the taxation form the amounts of duty and other taxes claimed. The amounts are shown in such a way as to make clear customs duties and taxes (using the Community codes provided for the purpose), the surcharge referred to in Article 6 of the ATA Convention, expressed in both figures and words. The amounts have to be paid in the currency of the Member State issuing the form, the code for which is entered at the top of the second column:

BEF : Belgian francs
DEM : German marks
ESP : Spanish pesetas
IEP : Irish pounds
LUF : Luxembourg francs
PTE : Portuguese escudos
DKK : Danish kroner
GRD : Greek drachmas
FRF : French francs
IRL : Italian lire
NLG : Dutch guilders
GPB : Pounds sterling

Heading 17: State the name of the coordinating office and the date of completion of the form; place the stamp of the office and the signature of the authorized official in the appropriate places.

II. Remarks on form A

A. Form A is to be used only where several articles are being taxed. It must be submitted in conjunction with a principal form. Total duties etc. from the principal form and form A are entered under the heading 'Summary'.

B. The general remarks under I also apply to form A.

ANNEX III

Letter heading of the coordinating office of the second Member State submitting the claim

Addressee : coordinating office of the first Member State submitting the original claim.

SUBJECT : ATA CARNET — DISCHARGE

Be informed that a claim for payment of duties and taxes under the ATA Convention ⁽¹⁾ was sent on⁽²⁾ to our guaranteeing association in respect of :

1. ATA carnet No :
2. Issued by the Chamber of Commerce of :
City :
Country :
3. On behalf of :
Holder :
Address :
4. Expiry date of the carnet :
5. Date set for re-exportation ⁽³⁾ :
6. Number of transit/import voucher ⁽⁴⁾ :
7. Date of endorsement of voucher :

The present note discharges your responsibility in this file.

Signature and stamp of issuing coordinating office.

⁽¹⁾ Article 7 of the ATA Convention, Brussels, 6 December 1961.
⁽²⁾ Enter date of dispatch.
⁽³⁾ Details obtained from the undischarged transit or temporary importation voucher or, if no voucher is available, from the information available to the issuing coordinating office.
⁽⁴⁾ Delete whichever is not applicable.

COMMISSION REGULATION (EEC) No 3690/92

of 21 December 1992

amending Regulation (EEC) No 1102/89 laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport⁽¹⁾, as amended by Regulation (EEC) No 3572/90⁽²⁾, and, in particular, Article 6 thereof,

Whereas Regulation (EEC) No 1101/89 provides for the possibility of reducing the capacity of the inland waterway fleet by organizing scrapping schemes coordinated at Community level;

Whereas, pursuant to Article 6 of Regulation (EEC) No 1101/89, the Commission must adopt a number of decisions concerning the operation of the scrapping schemes established in that Regulation; whereas, therefore, Commission Regulation (EEC) No 1102/89⁽³⁾, as last amended by Regulation (EEC) No 317/92⁽⁴⁾, laid down the rates for annual contributions to the scrapping funds, the rates for the scrapping premiums, and the period during which, and the conditions subject to which, such scrapping premiums could be obtained;

Whereas the funds continue to be financed by annual contributions and by special contributions under the old-for-new mechanism and whereas it is therefore desirable, given the continued overcapacity in the sector, to allow further scrapping premiums to be paid;

Whereas the special contributions should be used for the payment of such premiums together with the annual contributions, after full repayment of the pre-financed sums;

Whereas, it is appropriate that, as soon as the pre-financed sums are fully repaid, the annual contributions be reduced;

Whereas, within the limits of the available financial resources, it is also appropriate to amend the provisions as to the period for granting scrapping premiums, and the conditions and rates thereof;

Whereas in order to operate the mutual financial support arrangements between the national scrapping funds it is

advisable for the Commission, with the help of the representatives of the national funds, to balance the accounts of these funds at the beginning of each year so as to ensure that the repayment period for the sums pre-financed by the Member States concerned is the same for all funds and also to ensure that all owners of inland waterway vessels shall have equal opportunities for obtaining a scrapping premium under Regulation (EEC) No 1101/89;

Whereas the proposed amendments reflect the views received from Member States and from the organizations representing inland waterway carriers,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1102/89 is hereby amended as follows:

1. the following paragraph 4 is added to Article 1:

'4. Without prejudice to the provisions of paragraphs 1, 2 and 3 and in view of the need to reduce fleet capacity further, the following financial resources shall be allocated for that purpose from 1 January 1993:

- the special contributions referred to in Article 8 (1) (a) of Regulation (EEC) No 1101/89 received by the Funds after 1 January 1993,
- the annual contributions referred to in Article 4 (1) of Regulation (EEC) No 1101/89 received by the Funds after the payments advanced in accordance with Article 7 (1) of that Regulation have been repaid;

2. the following paragraph 4 is added to Article 3:

'4. As from the calendar year following the year in which the pre-financed sums under Article 7 (1) of Regulation (EEC) No 1101/89 have been repaid in respect of the separate accounts referred to in Article 3 (3) of the same Regulation, the rate of the annual contributions referred to in paragraph 1 above shall be reduced by 50%. The percentage of this reduction shall be valid until 31 December 1994 and may be readjusted so as to take account of changes in the inland waterway transport market.'

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 12.

⁽³⁾ OJ No L 116, 28. 4. 1989, p. 30.

⁽⁴⁾ OJ No L 37, 9. 2. 1991, p. 27.

3. the following paragraph 4 is added to Article 5 :

'4. Without prejudice to the provisions of paragraph 2 and as from 1 January 1993, the amount of the scrapping premium for all vessels covered by the Regulation shall be fixed at 100 % of the rates given in paragraph 1.';

4. the following paragraph 6 is added to Article 6 :

'6. (a) Contrary to the provisions of paragraphs 1 to 5, on or after 1 January 1993 owners of vessels may submit an application for a scrapping premium to the appropriate Fund authorities at any time they choose.

(b) At the end of each quarter and as from 1 April 1993, the Fund authorities shall send to the Commission a list of the valid applications for scrapping premiums and a full account of the current financial resources of the Fund. The Commission shall ensure that the applications do not exceed the financial resources referred to in Article 1 (4) and shall keep the Fund authorities informed of the level of the total financial resources available.

(c) Valid applications for scrapping premiums shall be deemed to be accepted by the Fund within the limits of the financial resources referred to in Article 1 (4). The Fund authorities shall notify applicants in writing within the two months following the end of the quarter during which the application was received as to whether their applications have been accepted or rejected.

(d) Applications for scrapping premiums received by the Fund authorities may not be withdrawn or modified before the notification referred to in point (c).';

5. the following paragraph 5 is added to Article 7 :

'5. Notwithstanding the provisions of paragraphs 1 to 4, submission of an application for a scrapping premium on or after 1 January 1993, if the application is accepted, shall entail an obligation on the part of the vessel owner to scrap the vessel within six months of the date of the written notification referred to in Article 6 (6) (c).

If the vessel has not been scrapped within this time limit, the authorities of the relevant Fund may have it scrapped on behalf of, and at the expense of, its owner. If the costs arising from scrapping exceed the amount of the scrapping premium, the application shall be considered null and void.';

6. the following paragraph 6 is added to Article 8 :

'6. The provisions of paragraphs 1 to 5 shall not apply to applications for scrapping premiums submitted on or after 1 January 1993. However, with regard to applications submitted after that date, if the finances needed to satisfy the applications are greater than the financial resources referred to in Article 1 (4), the date of receipt of the application by the Fund shall be used as a selection criterion, that is to say, the first application received shall be given priority.

If an application is rejected for lack of financial resources, the applicant may, within one month after receipt of the written notification referred to in Article 6 (6) (c), ask the Fund authorities to place the application on a waiting list, at the same time noting the date that it was received by the Fund. The Commission, with the help of the authorities of the various Funds, shall draw up a joint waiting list; applications on the waiting list shall be ranked according to the date of receipt by the Fund.

In allocating any financial resources which later become available, preference shall be given to the application which was received first.';

7. the following paragraph 3 is added to Article 9 :

'3. For applications for scrapping premiums submitted on or after 1 January 1993, the rates for the scrapping premiums, expressed in ecus, shall be converted into the currencies of the relevant Funds at the rate published in the first *Official Journal of the European Communities* of the year in which the application was submitted.

The scrapping premium shall be paid at the earliest when the vessel owner has provided proof that the vessel has been scrapped and, at the latest, within a period of not more than 10 months after the date of the written notification referred to in Article 6 (6) (c).';

8. Article 10 is replaced by the following :

Article 10

1. With a view to operating the mutual financial support arrangements between the separate accounts of the various Funds as required under Article 5 (2) of Regulation (EEC) No 1101/89, each Fund shall communicate the following information to the Commission at the beginning of each year :

- (a) — the Fund's debts on 31 December of the previous year (D_n),
- the Fund's receipts during the previous year (R_n), in so far as these receipts, as referred to in Article 1 (4), are not intended for the payment of scrapping premiums ;

- (b) — the Fund's receipts in the previous year, in so far as these receipts, in accordance with Article 1 (4), are intended for the payment of scrapping premiums (R_{dn}),
- the Fund's financial commitments incurred during the previous year in respect of scrapping premiums (P_n),
- the Fund's surplus as at 1 January of the previous year deriving from receipts intended for the payment of scrapping premiums in accordance with Article 1 (4) (S_n).

2. (a) The Commission, with the help of the Fund authorities, shall determine, on the basis of the information referred to in paragraph 1 (a):

- the total debts of all the Funds on 31 December of the previous year (D_t),
- the total receipts of all the Funds for the previous year (R_t),
- the adjusted annual receipts of each Fund (R_{nn}) calculated as follows:

$$R_{nn} = \frac{R_t}{D_t} \times D_n,$$

- for each Fund, the difference between annual receipts (R_{an}) and annual adjusted receipts ($R_{an} - R_{nn}$),
- the sums which each Fund whose annual receipts exceed the adjusted annual receipts ($R_{an} > R_{nn}$) transfers to a Fund whose annual receipts are less than its adjusted annual receipts ($R_{an} < R_{nn}$).

(b) The Commission, with the assistance of the Fund authorities, shall determine, on the basis of the information referred to in paragraph 1 (b):

- the total financial commitments incurred by all the Funds during the previous year in respect of the scrapping premiums (P_t),
- the total receipts of all the Funds, as referred to in Article 1 (4), during the previous year (R_{dt}),
- the total surplus of all the Funds on 1 January of the previous year (S_t),
- the adjusted annual financial commitment of each Fund (P_{nn}), calculated as follows:

$$P_{nn} = \frac{P_t}{R_{dt}} \times (R_{dn} + S_t),$$

- for each Fund, the difference between annual commitments (P_n) and annual adjusted commitments (P_{nn}),
- the sums which each Fund whose annual commitments are less than the annual adjusted commitments ($P_n < P_{nn}$) transfers to a Fund whose annual commitments are more than the annual adjusted commitments ($P_n > P_{nn}$).

3. Each of the Funds involved shall transfer the sums referred to in the fifth indent of paragraph 2 (a) and in the sixth indent of paragraph (b) to the other Funds by 1 March of the current year.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION REGULATION (EEC) No 3691/92

of 21 December 1992

laying down provisions for the implementation of Council Regulation (EEC) No 719/91 on the use in the Community of TIR carnets and ATA carnets as transit documents and Council Regulation (EEC) No 3599/82 on temporary importation arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 719/91 of 21 March 1991 on the use in the Community of TIR carnets and ATA carnets as transit documents ⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 3599/82 of 21 November 1982 on temporary importation arrangements ⁽²⁾, modified by Regulation (EEC) No 1620/85 ⁽³⁾, and in particular Article 33 thereof,

Whereas Regulation (EEC) No 719/91 and Commission Regulation (EEC) No 2365/91 of 31 July 1991 laying down conditions for use of the ATA carnet for the temporary importation of goods into the customs territory of the Community or their temporary exportation from that territory ⁽⁴⁾ entered into force on 1 January 1992;

Whereas Article 21 of Regulation (EEC) No 2365/91 provides, however, for transitional provisions allowing ATA carnets to continue being issued in the Member States and used as temporary importation documents in one or more other Member States until 31 December 1992;

Whereas it is accordingly necessary to regulate the situation of carnets issued under the abovementioned transitional provisions which remain valid beyond the date to which the said provisions, under the Regulation in question, apply;

Whereas Commission Regulation (EEC) No 1214/92 of 21 April 1992 on provisions for the implementation of the Community transit procedure and for certain simplifi-

cations of that procedure ⁽⁵⁾ provides for that situation in respect of transport operations beginning on or before the last day preceding the date of application of the Regulation; whereas in the interests of consistency, a similar arrangement should be adopted here;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Customs Procedures with Economic Impact and the Committee on Community Transit,

HAS ADOPTED THIS REGULATION:

Article 1

Transit and/or temporary importation operations under cover of an ATA carnet begun in accordance with Regulation (EEC) No 719/91 and Regulation (EEC) No 2365/91 no later than 31 December 1992 will be continued after that date under the conditions laid down in those Regulations.

However, in cases expressly provided for in Community provisions in specific areas, ATA carnets shall be discharged in accordance with the relevant specific rules.

Article 2

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

It shall apply from 1 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 78, 26. 3. 1991, p. 6.

⁽²⁾ OJ No L 376, 31. 12. 1982, p. 1.

⁽³⁾ OJ No L 155, 14. 6. 1985, p. 54.

⁽⁴⁾ OJ No L 216, 3. 8. 1991, p. 24.

⁽⁵⁾ OJ No L 132, 16. 5. 1992, p. 1.

COMMISSION REGULATION (EEC) No 3692/92

of 21 December 1992

amending Regulation (EEC) No 2458/87 laying down provisions for the implementation of Council Regulation (EEC) No 2473/86 on outward processing relief arrangements and the standard exchange system

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

Having regard to Council Regulation (EEC) No 2473/86 of 24 July 1986 on outward processing relief arrangements and the standard exchange system⁽¹⁾, and in particular Article 27 thereof,

Whereas Commission Regulation (EEC) No 2458/87⁽²⁾, as last amended by Regulation (EEC) No 3185/90⁽³⁾, laid down provisions for the implementation of Regulation (EEC) No 2473/86;

Whereas the establishment of the internal market on 1 January 1993 will lead to the abolition of controls at intra-Community frontiers; whereas, in order to give effect to such abolition, it should be made possible to apply for authorization covering exports under the outward processing arrangements from several Member States and to issue authorizations valid in more than one Member State; whereas it is also necessary to specify which customs authority will accept such applications and issue such authorizations;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2458/87 is hereby amended as follows:

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

'1. Without prejudice to paragraph 4 and the simplified procedures provided for in Articles 14 and 20, applications for authorization shall be made in writing and shall conform to the model set out in Annex I. They shall contain at least the particulars indicated in that Annex. Applications must be signed and dated and shall be presented to the customs authority designated by the Member State where the goods for temporary exportation are located.

1a. Where it is expected that the goods will be exported from several Member States, application for a single authorization may be made. This application shall be presented to the customs authority designated by the Member State where part of the goods are located.

In that case, the application shall include particulars of the sequence of operations and the expected places of temporary exportation.'

2. Article 4 (1) is replaced by the following:

'1. Without prejudice to the simplified procedures for issue of the authorization provided for in Articles 14 and 20, authorizations shall be issued by the customs authority to which the application was presented pursuant to Article 2 (1); they shall be made out in writing and shall conform to the model set out in Annex I. They shall contain at least the particulars indicated in that Annex. Authorizations must be signed and dated.

1a. Where Article 2 (1a) applies, the authorization may not be issued without the agreement of the customs authorities designated by the Member States in which the places indicated in the application are located. The following procedure shall apply:

- (a) the customs authority to which the application was presented, after satisfying itself that the economic conditions can be considered fulfilled in respect of the planned operation, shall communicate the application and the draft authorization to the other customs authorities concerned; the said draft shall include, at least, the rate of yield, the approved methods of identification, the customs offices referred to at point 11 of the model authorization in Annex I, if appropriate the customs office responsible for the arrangements ("supervising office") and any simplified procedures used for entry for the arrangements or release for free circulation under the arrangements as well as the rules to be observed *inter alia* as regards notification to the supervising office;
- (b) the other customs authorities concerned shall notify the existence of any objections as soon as possible, and in any case within two months of the date of communication of the application and draft authorization;
- (c) the customs authority referred to in subparagraph (a) may issue the authorization if it has received no information concerning the existence of objections to the draft authorization within the period referred to in subparagraph (b);
- (d) the Member State issuing the authorization shall send a copy thereof to all the Member States referred to above.

Authorizations issued in this way shall be valid only in the Member States referred to above.

The Member States shall communicate, to the Commission, the names and addresses of the customs authorities designated to receive the application and the draft authorization mentioned in subparagraph (a).'

Article 2

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 212, 2. 8. 1986, p. 1.

⁽²⁾ OJ No L 230, 17. 8. 1987, p. 1.

⁽³⁾ OJ No L 304, 1. 11. 1990, p. 83.

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

Done at Brussels, 21 December 1992.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 3693/92

of 21 December 1992

amending Regulation (EEC) No 1751/84 laying down certain provisions for the implementation of Council Regulation (EEC) No 3599/82 on temporary importation arrangements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3599/82 of 21 December 1982 on temporary importation arrangements⁽¹⁾, amended by Regulation (EEC) No 1620/85⁽²⁾, and in particular Article 33 thereof,

Whereas Commission Regulation (EEC) No 1751/84⁽³⁾, as last amended by Regulation (EEC) No 2365/91⁽⁴⁾, laid down certain provisions for the implementation of Regulation (EEC) No 3599/82;

Whereas the establishment of the internal market on 1 January 1993 will lead to the abolition of controls at intra-Community frontiers; whereas in order to give effect to such abolition it should be made possible to apply for authorization covering operations under temporary importation in several Member States and to issue authorizations valid in more than one Member State; whereas it is also necessary to specify which customs authority will accept such applications and issue such authorizations;

Whereas pursuant to Article 3 (1) of Council Regulation (EEC) No 222/77⁽⁵⁾, as last amended by Regulation (EEC) No 474/90⁽⁶⁾, a number of Member States currently apply simplified national procedures to the carriage within their own customs territories of goods placed under temporary importation arrangements; whereas Article 3 shall be revoked from the date on which Council Regulation (EEC) No 2726/90⁽⁷⁾ becomes applicable;

Whereas Article 5 of Council Regulation (EEC) No 2726/90, stipulates that the Community transit procedure shall apply without prejudice to the specific provisions applicable to the movement of goods placed under economic customs arrangements;

Whereas the abolition of the Community's internal frontiers and of the formalities associated with the crossing of

those frontiers mean that goods placed under temporary importation arrangements may be transferred without formalities; whereas for practical reasons and in the interests of consistency it is therefore desirable to provide, over and above the normal Community transit procedures, for more flexible procedures, applicable uniformly throughout the Community, for the transfer of goods under temporary importation arrangements;

Whereas it is necessary to establish clearly the responsibilities of economic operators in connection with the use of the transfer procedures;

Whereas these procedures should be made applicable when Council Regulation (EEC) No 2726/90 enters into use;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1751/84 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'1. In order to benefit from temporary importation arrangements pursuant to Regulation (EEC) No 3599/82, hereinafter referred to as the "basic Regulation", the interested party or his authorized representative must submit an application.

2. Without prejudice to the simplified procedures for issue of the authorization provided for in Articles 11 to 13, applications for authorization shall be made in writing and shall conform to the model set out in Annex XII. They shall contain at least the particulars indicated in that Annex. Applications must be signed and dated and shall be presented to the customs authority designated by the Member State where the goods for temporary importation are to be used.

3. Where it is expected that the goods will be used in several Member States, application for a single authorization may be made. This application shall be presented to the customs authority designated by the Member State where the goods are to be used first.

⁽¹⁾ OJ No L 376, 31. 12. 1982, p. 1.

⁽²⁾ OJ No L 155, 14. 6. 1985, p. 54.

⁽³⁾ OJ No L 171, 29. 6. 1984, p. 1.

⁽⁴⁾ OJ No L 216, 3. 8. 1991, p. 24.

⁽⁵⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽⁶⁾ OJ No L 51, 27. 2. 1990, p. 1.

⁽⁷⁾ OJ No L 262, 26. 9. 1990, p. 1.

In that case, the application shall include particulars of the sequence of uses and the expected places where the goods temporarily imported will be used.';

2. Article 2 shall be replaced by the following :

'1. Without prejudice to the simplified procedures for issue of the authorization provided for in Articles 11 to 13, authorizations shall be issued by the customs authority to which the application was presented pursuant to Article 1 (2) or (3); they shall be made out in writing and shall conform to the model set out in Annex XIII. They shall contain at least the particulars indicated in that Annex. Authorizations must be signed and dated.

2. Where Article 1 (3) applies, the authorization may not be issued without the agreement of the customs authorities designated by the Member States in which the places indicated in the application are located. The following procedure shall apply :

- (a) the customs authority to which the application was presented, shall communicate the application and the draft authorization to the other customs authorities concerned; the said draft shall include, at least, the places of use, the trade and/or technical description of goods, the expected quantity and value, the article under which authorization is sought, the proposed methods of identification, the customs referred to at point 8 of the model authorization in Annex XIII, and where appropriate, the rules to be observed *inter alia* as regards notification to the supervising office;
- (b) the other customs authorities concerned shall notify the existence of any objections as soon as possible, and in any case within two months of the date of communication of the application and draft authorization;
- (c) the customs authority referred to in subparagraph (a) may issue the authorization if it has received no information concerning the existence of objections to the draft authorization within the period referred to in subparagraph (b);
- (d) the Member State issuing the authorization shall send a copy thereof to all the Member States referred to above.

Authorizations issued in this way shall be valid only in the Member States referred to above.

The Member States shall communicate, to the Commission, the names and addresses of the customs authorities designated to receive the application and the draft authorization mentioned in subparagraph (a). The Commission shall inform the other Member States accordingly.';

3. Article 11 shall be replaced by the following :

'1. This article may be applied when the use is intended for a single Member State, or when the use is

to be carried out in several Member States, it is applied for those cases for which application of Articles 23, 24 and 27 of the basic Regulation is not sought.

2. The customs office empowered by the customs authority to grant authorizations using the simplified procedure shall allow the declaration of entry for the procedure to constitute an application for authorization.

In this case acceptance of the declaration shall constitute the authorization, the said acceptance remaining in any event subject to the conditions governing the granting of the authorization, including the decision of the control office, indicated in box 44 of the form.

3. Where paragraph 2 is applied, the declaration referred to in Article 3 must be accompanied by a document made out by the declarant containing the following information, in so far as this information is necessary and cannot be entered in box 44 of the form used for the declaration referred to in paragraph 2 :

- (a) where the person applying to use the procedure is not the same as the declarant, the name or business name and address of that person and, where appropriate, of the owner of the goods;
- (b) where the user is not the same as the applicant or declarant, the name or business name and address of the user of the goods;
- (c) the article under which authorization is applied for;
- (d) the estimated period for which the goods will remain under the procedure;
- (e) the place where the goods are to be used;
- (f) the use of the procedures provided for in article 17 (a) and 17 (b).

Such accompanying document shall form an integral part of the declaration.

4. Each Member State shall communicate the offices empowered in accordance with paragraph 2 to the Commission.';

4. Article 17 (1) and (2) shall be replaced by the following :

'1. Without prejudice to Articles 17a and 17b, when goods are to be moved within the customs territory of the Community, either under a transfer of authorization according to Article 16 or under the same authorization, the goods concerned shall be transported in accordance with the provisions of Regulation (EEC) No 2726/90 applicable to the goods referred to in Article 3 (2) (a) thereof.

2. The Community transit document or the document treated as the Community external transit document shall carry the final date of re-exportation and one of the following endorsements, in the box reserved for the designation of goods :

- Mercancías IT,
- Marchandises AT,
- MI varer,
- VV Waren,
- Εμπορεύατα ΠΕ,
- TA Goods,
- TI Goederen,
- Merci AT,
- Mercadorias IT';

5. the following Article 17a shall be inserted :

Article 17a

1. At the request of the person concerned, the goods referred to in Article 17 (1) may also be transported under the same authorization, within the customs territory of the Community, in accordance with the transfer procedures set out in paragraph 3 and 4 of this Article.

2. If permission is given for the use of such transfer procedures, they must be set out in the authorization. They shall then replace the movement procedures of the Community transit arrangements.

3. The customs authority shall permit goods to be transferred from the office of entry to the office of discharge without other customs formalities than those provided for in Article 18 (3) and without terminating the temporary admission arrangements.

4. The holder of the authorization shall retain responsibility for transferred goods.

5. The holder of the authorization shall provide the customs authority with advance notification of the transfers to be carried out in the form and manner which the said authority shall determine.' ;

6. the following Article 17b shall be inserted :

Article 17b

1. Provided the proper conduct of operations is not thereby affected, the customs authority, on other conditions it shall lay down, shall permit the carriage of import goods, without customs formalities, from the

office of entry to the place of use, and from a place of use to the office of discharge.

2. The person concerned shall inform the supervising office of the re-exportation of the goods entered under the temporary admission arrangements, by sending the copy given to him of the export declaration.' ;

7. Article 18 shall be replaced by the following :

'1. Where Article 17 is applied when the goods are placed under the Community external procedure, the competent authorities shall authenticate the information sheet provided for in paragraph 3, at the request of the holder of the authorization.

2. Where Article 17a is applied, the information sheet provided for in paragraph 3 hereto shall be issued, either at the placing of the goods under the arrangements or at the beginning of the operation of transfer.

3. The information sheet, hereinafter referred to as "INF 6 sheet", shall consist of an original and two copies. It shall be set out on a form conforming to the model in Annex II and fulfilling the conditions set out in Annex III.' ;

8. Article 19 (2) and (3) shall be replaced by the following :

'2. The original and one copy of the INF 6 sheet shall be returned to the person concerned ; one copy shall be retained by the issuing customs office ; the other copy shall be given by the person concerned to the office of discharge and, after authentication, shall be returned to the issuing customs office by the person concerned.' ;

9. Annex II shall be replaced by the form set out in Annex III to this Regulation ; Annexes XII and XIII, set out in Annexes I and II to this Regulation, shall be added.

Article 2

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

It shall be applicable from the date of implementation of Regulation (EEC) No 2726/90.

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

Done at Brussels, 21 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX I

ANNEX XII

SPECIMEN APPLICATION FOR AUTHORIZATION TO USE THE TEMPORARY IMPORTATION PROCEDURE

NB: Information must be supplied in the order given. Where reference is made to goods, each type of goods should be specified.

- 1. Name or business name and address :
(a) of the applicant :
(b) of the user :
(c) of the owner :
2. Goods to be used :
(a) trade and/or technical description :
(b) indication of combined nomenclature classification :
(c) estimated quantity :
(d) estimated value :
3. Article under which authorization is applied for :
4. Way in which goods are to be used :
5. Place(s) where goods are to be used :
6. Period for which goods are expected to remain under the procedure :
7. Suggested method of identification :
8. Suggested customs offices :
(a) supervising customs office :
(b) customs office of entry for the procedure :
(c) customs office of discharge :
9. Intended duration of the authorization :
10. Simplified transfer procedures :
11. Other :

Date

Signature of applicant

NOTE CONCERNING THE APPLICATION

1. Name or business name and address : where the application is submitted on the applicant's headed notepaper, section 1 (a) need not be completed provided the information is shown on the letterhead. Section 1 (b) is to be filled in where the applicant is not the user. Section 1 (c) is to be filled in when the granting for the arrangements is subject to the condition that the goods belong to a legal or natural person established outside of the customs territory of the Community.
 2. Goods to be used under the procedure :
 - (a) trade and/or technical description : the description should be sufficiently clear and detailed to enable a decision to be taken on the application ;
 - (b) classification in the combined nomenclature : for indicative purposes only. Only the four-digit code need be given, unless an indication of the eight-digit code is required to enable the authorization to be issued or for the proper conduct of the procedure ;
 - (c) estimated quantity : state the quantity in units (kilograms, litres, metres, etc.) ;
 - (d) estimated value : state the estimated customs value of the goods based on known particulars and documents presented.
 3. Article under which authorization is applied for : indicate the Article of Regulation (EEC) No 3599/82 under which the intended use qualifies for temporary importation.
 4. Way in which goods are to be used : state all the ways in which it is intended to use the goods to be imported.
 5. Place(s) where goods are to be used : give the address(es) of the place or places where the goods will be used.
 6. Period for which goods are expected to remain under the procedure : indicate the time which will be needed for the intended use.
 7. Suggested method of identification : indicate the most suitable methods of identifying the goods to be entered for the procedure.
 8. Suggested customs offices : state which of the possible customs offices would be suitable as :
 - (a) supervising customs office : supervision of procedure ;
 - (b) customs office of entry for the procedure : acceptance of declarations entering goods for the procedure ;
 - (c) customs office of discharge : acceptance of declarations assigning the import goods to an accepted customs treatment or use.
 9. Intended duration of the authorization : indicate the period within which it is planned to import the goods.
 10. Simplified transfer procedures : if appropriate, indicate whether the procedures of Article 17 (a) and (b) are likely to be involved.
 11. Other : this heading can be used to supply any other information the applicant feels would be relevant to the customs authority.
-

ANNEX II

ANNEX XIII

SPECIMEN TEMPORARY IMPORTATION AUTHORIZATION

of

Reference to application

1. Name or business name and address :

(a) of the applicant :

.....

(b) of the user (!) :

.....

(c) of the owner (!) :

.....

2. Goods to be used (?):

(a) trade and/or technical description :

(b) indication of combined nomenclature classification :

(c) estimated quantity :

(d) estimated value :

3. Article under which authorization is applied for :

4. Way in which goods are to be used :

.....

.....

5. Places where goods are to be used :

.....

6. Time limit for assigning the import goods to a customs-approved treatment or use (?):

.....

7. Approved method of identification :

.....

8. Customs offices :

(a) supervising customs office :

(b) customs office of entry for the procedure :

(c) customs office of discharge :

9. Period of validity :

.....

10. Use of simplified procedures :

.....

11. Number of Annexes :

Date :

Signature :

Footnotes concerning the authorization

- (1) To be filled in where the user is not the holder of the authorization. Section 1 (c) is to be filled in when the granting for the arrangements is subject to the condition that the goods belong to a legal or natural person established outside of the customs territory of the Community.
 - (2) To be filled in as necessary to enable the customs offices to supervise the use of the authorization.
 - (3) This corresponds to the time needed to achieve the object of the authorized use. Without prejudice to special time limits, the period shall be 24 months unless the applicant requests a shorter period.
-

EUROPEAN COMMUNITY

INF 6
ORIGINAL

No A/000000
TEMPORARY IMPORTATION
INFORMATION SHEET

1. Holder of temporary importation authorization

2. Customs authority to which application is made:

4. Customs authority to which information is addressed:

5. Date on which goods were entered for the procedure

Day	Month	Year	

6. Latest date for re-exportation

Day	Month	Year	

3. APPLICATION (1)

The undersigned, holder of the temporary importation authorization
 representative of the holder of the temporary importation authorization

requests the issue of this information sheet.

Place: Transit
 Transfer

Date

Day	Month	Year	

Signature:

7. Under which article of basic Regulation:

A.	8. Marks and numbers - Number and kind of packages - Description of goods	9. CN code
		10. Net quantity
		11. Customs value
B.	8. Marks and numbers - Number and kind of packages - Description of goods	9. CN code
		10. Net quantity
		11. Customs value

INFORMATION SUPPLIED BY THE CUSTOMS AUTHORITY

12. Identification measures taken

13. Amount of duties collected (in the currency of the Member State supplying the information)

A	B
---	---

14. Period taken into account for collection month(s)

15. Remarks

Office of discharge:
 Place:
 Date

Day	Month	Year	

 Signature:

Authentication office:
 Place:
 Date

Day	Month	Year	

 Signature: Stamp

Re-exportation
 Release for free circulation
 Other customs arrangements allowed

Stamp

(1) Place a cross ☒ in the appropriate box.

13. REQUEST FOR POST-CLEARANCE VERIFICATION

The customs authority shown below requests that the authenticity of this information sheet and the accuracy of the information it contains be verified.

Place:

Date

Day	Month	Year

 Official stamp

Signature:

Customs authority

14. RESULT OF VERIFICATION

The verification carried out by the Customs authority shown below confirms that this information sheet (¹)

- was stamped by the competent authorities indicated and the information it contains is accurate;
- gives rise to the remarks annexed hereto

Place:

Date

Day	Month	Year

 Official stamp

Signature:

Customs authority

(¹) Place a cross ☒ in the appropriate box.

NOTES

A. General notes

1. The application (boxes 1 to 11) is to be filled in by the holder of the temporary importation authorization or his representative.
2. The form must be filled in legibly and indelibly, preferably by typewriter. It must not contain any erasures or overwritten words. Corrections should be made by crossing out the wrong words and adding any necessary particulars. Corrections must be endorsed by the person filling in the sheet and by the customs authority which issued it.

B. Special notes referring to the relevant box numbers

1. Give the name and full address, including postal code, if any, and the Member State.
3. Give the name and full address, including postal code, if any, and the Member State of the customs authority to which the application is sent.
4. Give the name and full address, including postal code, if any, and the Member State of the customs authority to which the information is supplied.
8. Give the marks and numbers, the number and the kind of packages. In the case of unpackaged goods, give the number of objects or enter the words "in bulk", as appropriate.
Give the usual commercial description of the goods or their tariff description. The quantity must be expressed in units of the metric system: kilograms, litres, square metres, etc. The unit value for each item should be indicated.
13. Enter the amounts in national currency, one figure per subdivision or box, the last two subdivisions being reserved for fractions of a unit, if any.

National currencies are to be indicated as follows:

- | | |
|------------------------------|---------------------------|
| - BEF for Belgian francs | - DKK for Danish kroner |
| - DEM for German marks | - GRD for Greek drachmas |
| - ESP for Spanish pesetas | - FRF for French francs |
| - IEP for Irish pounds | - ITL for Italian lire |
| - LUF for Luxembourg francs | - NLG for Dutch guilders |
| - PTE for Portuguese escudos | - GBP for pounds sterling |

13 and 14. To be filled in as necessary.

COMMISSION REGULATION (EEC) No 3694/92
of 21 December 1992
amending Regulation (EEC) No 2453/92 concerning the Single Administrative Document

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 717/91 of 21 March 1991 concerning the Single Administrative Document (⁽¹⁾), and in particular Article 8 thereof,

Whereas consequent to the adoption of Commission Regulation (EEC) No 2713/92 (⁽²⁾) copies 2 and 7 of the Single Administrative Document are also used for statistical purposes within the context of trade in Community goods between parts of the Community customs territory which have differing tax arrangements;

Whereas statistical changes have resulted in a need to alter the codes denoting the nature of a transaction contained in the rules on the Single Administrative Document;

Whereas additions should be made to the codes relating to declaration and procedures in order to reflect the developments which have taken place since the adoption of Commission Regulation (EEC) No 2453/92 (⁽³⁾);

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Single Administrative Document Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The wording of Regulation (EEC) No 2453/92 is hereby amended as follows:

ANNEX VII:

The second and seventh indents of the second paragraph of section A read as follows:

- copy 2 which is to be used for statistical purposes by the Member State of export. This copy may also be used for statistical purposes by the Member State of dispatch in the context of trade between parts of the Community customs territory with differing tax arrangements,
- copy 7 which is to be used for statistical purposes by the Member State of destination (Community transit formalities and at destination), including trade between parts of the Community customs territory with differing tax arrangements.

ANNEX VIII:

1. the following is added to the instructions relating to the first subdivision of box 1, against the acronym 'COM':
 '— declaration entering Community goods for warehousing.';
2. the table relating to box 24 (nature of the transaction) is replaced by the following table:

'Column A	Column B
1. Transactions involving actual or intended transfer of ownership against compensation (financial or otherwise) (except the transactions listed under 2, 7, 8) (⁽¹⁾) (⁽²⁾) (⁽³⁾)	1. Outright/purchase/sale (⁽²⁾) 2. Supply for sale on approval or after trial, for consignment or with the intermediation of a commission agent 3. Barter trade (compensation in kind) 4. Personal purchases by travellers 5. Financial leasing (⁽¹⁾)

⁽¹⁾ OJ No L 78, 26. 3. 1991, p. 1.

⁽²⁾ OJ No L 275, 18. 9. 1992, p. 11.

⁽³⁾ OJ No L 249, 28. 8. 1992, p. 1.

Column A	Column B
2. Return of goods after registration of the original transaction under code 1 ⁽¹⁾ ; replacement of goods free of charge ⁽²⁾	1. Return of goods 2. Replacement for returned goods 3. Replacement (e.g. under warranty) for goods not being returned
3. Transactions (not temporary) involving transfer of ownership but without compensation (financial or other)	1. Goods delivered under aid programmes operated or financed partly or wholly 2. Other general government-aid deliveries 3. Other aid deliveries (individuals, non-governmental organizations)
4. Operations with a view to processing under contract ⁽³⁾ or repair ⁽⁴⁾ (except those recorded under 7)	1. Processing under contract 2. Repair and maintenance against payment 3. Repair and maintenance free of charge
5. Operations following processing under contract ⁽³⁾ or repair ⁽⁴⁾ (except those recorded under 7)	1. Processing under contract 2. Repair and maintenance against payment 3. Repair and maintenance free of charge
6. Transactions not involving transfer of ownership, e.g. hire, loan, operational leasing ⁽⁵⁾ and other temporary uses ⁽⁶⁾ except processing under contract or repair (delivery or return)	1. Hire, loan, operational leasing 2. Other goods for temporary uses
7. Operations under joint defence projects or other joint intergovernmental production programs (e.g. Airbus)	
8. Supply of building materials and equipment for works that are part of a general construction or engineering contract ⁽⁷⁾	
9. Other transactions	

(1) This item covers most exports/dispatches and importation/arrivals, i.e. transactions in respect of which :
— ownership is transferred from resident to non-resident, and
— payment or compensation in kind is or will be made.

It should be noted that this also applies to goods sent between related enterprises or from/to central distribution depots, even if no immediate payment is made.

(2) Including spare parts and other replacements made against payment.

(3) Including financial leasing : the lease instalments are calculated in such a way as to cover all or virtually all of the value of the goods. The risks and rewards of ownership are transferred to the lessee. At the end of the contract the lessee becomes the legal owner of the goods.

(4) Return and replacement dispatches of goods originally recorded under items 3 to 9 of column A should be registered under the corresponding items.

(5) Processing operations (whether or not under customs supervision) should be recorded under items 4 and 5 of column A. Processing activities on processor's own account are not covered by this item, they should be registered under item 1 of column A.

(6) Repair entails the restoration of goods to their original function ; this may involve some rebuilding or enhancements.

(7) Operational leasing : leasing contracts other than financial leasing (see note 3).

(8) This item covers goods that are exported/imported with the intention of subsequent re-import/re-export without any change of ownership taking place.

(9) The transactions recorded under item 8 of column A involve goods which are not separately invoiced, but for which a single invoice is made covering the total value of the works. Where this is not the case, the transactions should be recorded under item 1.

3. the following is added to the instructions relating to the first subdivision of box 37 :

'01 Free circulation of goods simultaneously redispached in the framework of trade between parts of the customs territory of the Community in which the provisions of Directive 77/388/EEC are applicable and parts of this territory in which these provisions do not apply, or in the framework of trade between the parts of this territory where these provisions do not apply.

Free circulation of goods simultaneously redispached in the framework of trade between the Community and the Principality of Andorra (*).

(* Council Decision 90/680/EEC (OJ No L 374, 31. 12. 1990, p. 13).'

Article 2

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

It shall apply from the date on which the basic regulation becomes applicable.

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

Done at Brussels, 21 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 3695/92
of 21 December 1992

amending the code numbers and descriptions of certain products listed in
Council Regulation (EEC) No 2358/71 on the common organization of the
market in seeds

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

Having regard to Council Regulation (EEC) No 234/79 of
5 February 1979 on the procedure for adjusting the
Common Customs Tariff nomenclature used for agricul-
tural products ⁽¹⁾, as amended by Regulation (EEC)
No 3209/89 ⁽²⁾, and in particular Article 2 (1) thereof,

Whereas the Annex to Council Regulation (EEC)
No 2358/71 ⁽³⁾, as last amended by Regulation (EEC)
No 1740/91 ⁽⁴⁾, lists in particular a large number of
species of gramineae and leguminosae the CN codes for
which were amended by Commission Regulation (EEC)
No 2505/92 of 14 July 1992 amending Annexes I and II
to Council Regulation (EEC) No 2658/87 on the tariff
and statistical nomenclature and on the Common
Customs Tariff ⁽⁵⁾; whereas Regulation (EEC) No 2358/71
should be adapted accordingly;

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

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2358/71 is hereby amended as
follows :

1. in Article 1, subheadings CN 0713 10 11 and
0713 10 19 are replaced by :

'0713 10 10 Peas (*Pisum sativum*) for sowing';
2. the Annex is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽⁴⁾ OJ No L 163, 26. 6. 1991, p. 39.

⁽⁵⁾ OJ No L 267, 14. 9. 1992, p. 1.

ANNEX

'ANNEX

CN code	Description
	1. CERES
1001 90 10	<i>Triticum spelta</i> L.
1006 10 10	<i>Oryza sativa</i> L.
	— japonica type varieties
	— indica type varieties
	2. OLEAGINEAE
ex 1204 00 10	<i>Linum usitatissimum</i> L. (textile flax)
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)
ex 1207 99 10	<i>Cannabis sativa</i> L. (monoïce)
	3. GRAMINEAE
ex 1209 29 10	<i>Agrostis canina</i> L.
ex 1209 29 10	<i>Agrostis gigantea</i> Roth.
ex 1209 29 10	<i>Agrostis stolonifera</i> L.
ex 1209 29 10	<i>Agrostis capillaris</i> L.
ex 1209 29 80	<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J. S. and K. B. Presl.
ex 1209 29 10	<i>Dactylis glomerata</i> L.
ex 1209 23 80	<i>Festuca arundinacea</i> Schreb.
1209 23 80	<i>Festuca ovina</i> L.
1209 23 11	<i>Festuca pratensis</i> Huds.
1209 23 15	<i>Festuca rubra</i> L.
ex 1209 29 80	<i>Festulolium</i>
ex 1209 25 00	<i>Lolium multiflorum</i> Lam.
ex 1209 25 00	<i>Lolium perenne</i> L.
	— of high persistence, late or medium late
	— new varieties and other
	— of low persistence, medium late, medium early or early
ex 1209 29 80	<i>Lolium × boucheanum</i> Kunth
ex 1209 29 80	<i>Phleum bertolinii</i> (DC)
ex 1209 26 00	<i>Phleum pratense</i> L.
ex 1209 29 80	<i>Poa nemoralis</i> L.
1209 24 00	<i>Poa pratensis</i> L.
ex 1209 29 10	<i>Poa palustris</i> and <i>Poa trivialis</i> L.
	4. LEGUMINOSAE
ex 0713 10 10	<i>Pisum sativum</i> L. (partim) (field peas)
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (field beans)
ex 1209 29 80	<i>Hedysarum coronarium</i> L.
ex 1209 29 80	<i>Medicago lupulina</i> L.
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)
ex 1209 29 80	<i>Onobrichis viciifolia</i> Scop.
ex 1209 22 00	<i>Trifolium alexandrinum</i> L.
ex 1209 22 00	<i>Trifolium hybridum</i> L.
ex 1209 22 00	<i>Trifolium incarnatum</i> L.
ex 1209 22 00	<i>Trifolium pratense</i> L.
ex 1209 22 00	<i>Trifolium repens</i> L.
ex 1209 22 00	<i>Trifolium repens</i> L. var. <i>giganteum</i>
ex 1209 22 00	<i>Trifolium resupinatum</i> L.
ex 1209 29 10	<i>Vicia sativa</i> L.
ex 1209 29 10	<i>Vicia villosa</i> Roth.

COMMISSION REGULATION (EEC) No 3696/92

of 21 December 1992

amending Regulation (EEC) No 3418/88 fixing the free-at-frontier reference prices applicable to imports of certain wine products with effect from 1 September 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1756/92 ⁽²⁾, and in particular Article 54 (8) thereof,Whereas the free-at-frontier reference prices applicable to imports of certain wine products were set by Commission Regulation (EEC) No 3418/88 ⁽³⁾, as last amended by Regulation (EEC) No 3584/91 ⁽⁴⁾;

Whereas under the terms of the Cooperation Agreements between the Community and certain third countries in the Mediterranean basin, lower reference prices are applicable, subject to annual quotas, for wines originating in the said countries and presented in containers holding

two litres or less; whereas the said Agreements provide for a further reduction in these prices with effect from 1 January 1993 for Algeria, Morocco and Tunisia,

HAS ADOPTED THIS REGULATION:

Article 1

The free-at-frontier reference prices fixed for the relevant products mentioned in the additional codes to CN codes 2204 21 25 to 2204 21 90 of the Annex to Regulation (EEC) No 3418/88 are hereby replaced by those in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 27.⁽³⁾ OJ No L 301, 4. 11. 1988, p. 10.⁽⁴⁾ OJ No L 329, 11. 12. 1991, p. 7.

ANNEX

TABLE 22-02

Reference prices for wine from 1 January 1993

THE FREE-AT-FRONTIER REFERENCE PRICES ARE CALCULATED BY DEDUCTING THE DUTY APPLICABLE TO THE THIRD COUNTRY CONCERNED FROM THE REFERENCE PRICE SHOWN IN THE TABLE

CN code	Additional code	Description	Note	CY (ECU/hl)	DZ, MA, TN (ECU/hl)	Other countries (ECU/hl)	MCA Regulation Annex 1, Part 6	
							Table	Additional code
2204 21 25	9100	— Wine imported under the name Riesling or Sylvaner	(¹)	K: 107,80	K: 88,76	131,06	5	7587
		— Other wine, of an actual alcoholic strength:						
		— Less than 9 % vol						
	9101	— 9 % vol or more but not exceeding 9,5 % vol	(¹)	K: 58,37	K: 39,33	81,63	5	7588
	9102	— Exceeding 9,5 % vol but not exceeding 10 % vol	(¹)	K: 59,46	K: 40,42	82,72	5	7588
	9103	— Exceeding 10 % vol but not exceeding 10,5 % vol	(¹)	K: 61,65	K: 42,61	84,91	5	7588
	9104	— Exceeding 10,5 % vol but not exceeding 11 % vol	(¹)	K: 63,83	K: 44,79	87,09	5	7588
	9105	— Exceeding 11 % vol but not exceeding 11,5 % vol	(¹)	K: 66,02	K: 46,98	89,28	5	7588
	9106	— Exceeding 11,5 % vol but not exceeding 12 % vol	(¹)	K: 68,20	K: 49,16	91,46	5	7588
	9107	— Exceeding 12 % vol but not exceeding 12,5 % vol	(¹)	K: 70,39	K: 51,35	93,65	5	7588
	9108	— Exceeding 12,5 % vol but not exceeding 13 % vol	(¹)	K: 72,57	K: 53,53	95,83	5	7588
9109	— Exceeding 13 % vol but not exceeding 13,5 % vol	(¹)	K: 74,76	K: 55,72	98,02	5	7588	
2204 21 29		— Fresh grape must with fermentation arrested by the addition of alcohol, as defined in additional note 4 (a) to Chapter 22 of the combined nomenclature, of an actual alcoholic strength of:						
		— 12 % vol or more but not exceeding 13 % vol:						
		— Of a potential alcoholic strength:						
		— 8,5 % vol or more but not exceeding 9 % vol		59,08	59,08	59,08		
	9110	— Exceeding 9 % vol but not exceeding 10 % vol		61,16	61,16	61,16		
	9111	— Exceeding 10 % vol but not exceeding 11 % vol		63,94	63,94	63,94		
	9112	— Exceeding 11 % vol but not exceeding 12 % vol		66,72	66,72	66,72		
	9113	— Exceeding 12 % vol but not exceeding 13 % vol		69,50	69,50	69,50		
	9114	— Exceeding 13 % vol but not exceeding 14 % vol		72,28	72,28	72,28		
	9115	— Exceeding 14 % vol but not exceeding 15 % vol		75,06	75,06	75,06		
	9116	— Exceeding 15 % vol but not exceeding 16 % vol		77,84	77,84	77,84		
	9117	— Exceeding 16 % vol but not exceeding 17 % vol		80,62	80,62	80,62		
	9118	— Exceeding 17 % vol but not exceeding 18 % vol		83,40	83,40	83,40		
	9119	— Exceeding 18 % vol but not exceeding 19 % vol		86,18	86,18	86,18		
	9120	— Exceeding 19 % vol but not exceeding 20 % vol		88,96	88,96	88,96		
	9121	— Exceeding 20 % vol		90,35	90,35	90,35		
	9122	— Exceeding 20 % vol		90,35	90,35	90,35		

CN code	Additional code	Description	Note	CY (ECU/hl)	DZ, MA, TN (ECU/hl)	Other countries (ECU/hl)	MCA Regulation Annex 1, Part 6		
							Table	Additional code	
2204 21 29 (cont'd)	9123 9124 9125 9126 9127 9128 9129 9130 9131 9132 9133 9134 9135 9136 9137 9138 9139 9140	Wine imported under the name Portugieser, of an actual alcoholic strength :							
		Less than 9 % vol	(1) (2)	K: 58,37	K: 39,33	81,63	6	7589	
		9 % vol or more but not exceeding 9,5 % vol	(1) (2)	K: 59,46	K: 40,42	82,72	6	7589	
		Exceeding 9,5 % vol but not exceeding 10 % vol	(1) (2)	K: 61,65	K: 42,61	84,91	6	7589	
		Exceeding 10 % vol but not exceeding 10,5 % vol	(1) (2)	K: 63,83	K: 44,79	87,09	6	7589	
		Exceeding 10,5 % vol but not exceeding 11 % vol	(1) (2)	K: 66,02	K: 46,98	89,28	6	7589	
		Exceeding 11 % vol but not exceeding 11,5 % vol	(1) (2)	K: 68,20	K: 49,16	91,46	6	7589	
		Exceeding 11,5 % vol but not exceeding 12 % vol	(1) (2)	K: 70,39	K: 51,35	93,65	6	7589	
		Exceeding 12 % vol but not exceeding 12,5 % vol	(1) (2)	K: 72,57	K: 53,53	95,83	6	7589	
		Exceeding 12,5 % vol but not exceeding 13 % vol	(1) (2)	K: 74,76	K: 55,72	98,02	6	7589	
		Other wine, of an actual alcoholic strength :							
		Less than 9 % vol	(1) (2)	K: 58,37	K: 39,33	81,63	6	7590	
		9 % vol or more but not exceeding 9,5 % vol	(1) (2)	K: 59,46	K: 40,42	82,72	6	7590	
		Exceeding 9,5 % vol but not exceeding 10 % vol	(1) (2)	K: 61,65	K: 42,61	84,91	6	7590	
		Exceeding 10 % vol but not exceeding 10,5 % vol	(1) (2)	K: 63,83	K: 44,79	87,09	6	7590	
		Exceeding 10,5 % vol but not exceeding 11 % vol	(1) (2)	K: 66,02	K: 46,98	89,28	6	7590	
		Exceeding 11 % vol but not exceeding 11,5 % vol	(1) (2)	K: 68,20	K: 49,16	91,46	6	7590	
Exceeding 11,5 % vol but not exceeding 12 % vol	(1) (2)	K: 70,39	K: 51,35	93,65	6	7590			
Exceeding 12 % vol but not exceeding 12,5 % vol	(1) (2)	K: 72,57	K: 53,53	95,83	6	7590			
Exceeding 12,5 % vol but not exceeding 13 % vol	(1) (2)	K: 74,76	K: 55,72	98,02	6	7590			
2204 21 35	9141 9142 9143 9144 9145 9146 9147	Liqueur wine as defined in additional note 4 (c) to Chapter 22 of the combined nomenclature of an actual alcoholic strength of 15 % vol :							
		Intended for processing into products not falling within code 2204	(2)	60,60	60,60	60,60			
		Other	(2)	111,30	111,30	111,30			
		Wine imported under the name Riesling or Sylvaner	(2)	K: 107,80	K: 88,76	131,06	8	7591	
		Other wine, of an actual alcoholic strength :							
		Exceeding 13 % vol but not exceeding 13,5 % vol	(1) (2)	K: 76,94	K: 57,90	100,20	8	7592	
		Exceeding 13,5 % vol but not exceeding 14 % vol	(1) (2)	K: 79,13	K: 60,09	102,39	8	7592	
		Exceeding 14 % vol but not exceeding 14,5 % vol	(1) (2)	K: 81,31	K: 62,27	104,57	8	7592	
		Exceeding 14,5 % vol but not exceeding 15 % vol	(1) (2)	K: 83,50	K: 64,46	106,76	8	7592	

CN code	Additional code	Description	Note	CY (ECU/hl)	DZ, MA, TN (ECU/hl)	Other countries (ECU/hl)	MCA Regulation Annex 1, Part 6	
							Table	Additional code
2204 21 39*		— Fresh grape must with fermentation arrested by the addition of alcohol, as defined in additional note 4 (a) to Chapter 22 of the combined nomenclature, of an actual alcoholic strength:						
		— Exceeding 13 % vol but not exceeding 14 % vol:						
		— Of a potential alcoholic strength:						
	9148	— 8,5 % vol or more but not exceeding 9 % vol		61,86	61,86	61,86		
	9149	— Exceeding 9 % vol but not exceeding 10 % vol		63,94	63,94	63,94		
	9150	— Exceeding 10 % vol but not exceeding 11 % vol		66,72	66,72	66,72		
	9151	— Exceeding 11 % vol but not exceeding 12 % vol		69,50	69,50	69,50		
	9152	— Exceeding 12 % vol but not exceeding 13 % vol		72,28	72,28	72,28		
	9153	— Exceeding 13 % vol but not exceeding 14 % vol		75,06	75,06	75,06		
	9154	— Exceeding 14 % vol but not exceeding 15 % vol		77,84	77,84	77,84		
	9155	— Exceeding 15 % vol but not exceeding 16 % vol		80,62	80,62	80,62		
	9156	— Exceeding 16 % vol but not exceeding 17 % vol		83,40	83,40	83,40		
	9157	— Exceeding 17 % vol but not exceeding 18 % vol		86,18	86,18	86,18		
	9158	— Exceeding 18 % vol but not exceeding 19 % vol		88,96	88,96	88,96		
	9159	— Exceeding 19 % vol but not exceeding 20 % vol		91,74	91,74	91,74		
	9160	— Exceeding 20 % vol		93,13	93,13	93,13		
		— Exceeding 14 % vol but less than 15 % vol:						
		— Of a potential alcoholic strength:						
	9161	— 8,5 % vol or more but not exceeding 9 % vol		64,64	64,64	64,64		
	9162	— Exceeding 9 % vol but not exceeding 10 % vol		66,72	66,72	66,72		
	9163	— Exceeding 10 % vol but not exceeding 11 % vol		69,50	69,50	69,50		
	9164	— Exceeding 11 % vol but not exceeding 12 % vol		72,28	72,28	72,28		
	9165	— Exceeding 12 % vol but not exceeding 13 % vol		75,06	75,06	75,06		
	9166	— Exceeding 13 % vol but not exceeding 14 % vol		77,84	77,84	77,84		
	9167	— Exceeding 14 % vol but not exceeding 15 % vol		80,62	80,62	80,62		
	9168	— Exceeding 15 % vol but not exceeding 16 % vol		83,40	83,40	83,40		
	9169	— Exceeding 16 % vol but not exceeding 17 % vol		86,18	86,18	86,18		
	9170	— Exceeding 17 % vol but not exceeding 18 % vol		88,96	88,96	88,96		
	9171	— Exceeding 18 % vol but not exceeding 19 % vol		91,74	91,74	91,74		
	9172	— Exceeding 19 % vol but not exceeding 20 % vol		94,52	94,52	94,52		
	9173	— Exceeding 20 % vol		95,91	95,91	95,91		

CN code	Additional code	Description	Note	CY (ECU/hl)	DZ, MA, TN (ECU/hl)	Other countries (ECU/hl)	MCA Regulation Annex 1, Part 6	
							Table	Additional code
2204 21 39 (cont'd)	9174	— Liqueur wine as defined in additional note 4 (c) to Chapter 22 of the combined nomenclature of an actual alcoholic strength of 15 % vol:	(¹)	60,60	60,60			
	9175	— — Intended for processing into products not falling within code 2204	(²)	111,30	111,30			
		— — Other						
	9176	— Wine imported under the name Portugieser, of an actual alcoholic strength:	(¹)	K: 76,94	K: 57,90	100,20	9	7593
	9177	— — Exceeding 13 % vol but not exceeding 13,5 % vol	(¹)	K: 79,13	K: 60,09	102,39	9	7593
	9178	— — Exceeding 13,5 % vol but not exceeding 14 % vol	(¹)	K: 81,31	K: 62,27	104,57	9	7593
	9179	— — Exceeding 14 % vol but not exceeding 14,5 % vol	(¹)	K: 83,50	K: 64,46	106,76	9	7593
		— — Exceeding 14,5 % vol but not exceeding 15 % vol	(¹)					
	9180	— Other wine, of an actual alcoholic strength:	(¹)	K: 76,94	K: 57,90	100,20	9	7594
	9181	— — Exceeding 13 % vol but not exceeding 13,5 % vol	(¹)	K: 79,13	K: 60,09	102,39	9	7594
9182	— — Exceeding 13,5 % vol but not exceeding 14 % vol	(¹)	K: 81,31	K: 62,27	104,57	9	7594	
9183	— — Exceeding 14 % vol but not exceeding 14,5 % vol	(¹)	K: 83,50	K: 64,46	106,76	9	7594	
2204 21 41		— Wine from Tokay (Aszu and Szamorodni) of an actual alcoholic strength:						
	9186	— — Exceeding 15 % vol but not exceeding 15,5 % vol	(¹)	—	—	108,94		
	9187	— — Exceeding 15,5 % vol but not exceeding 16 % vol	(¹)	—	—	111,13		
	9188	— — Exceeding 16 % vol but not exceeding 16,5 % vol	(¹)	—	—	113,31		
	9189	— — Exceeding 16,5 % vol but not exceeding 17 % vol	(¹)	—	—	115,50		
	9190	— — Exceeding 17 % vol but not exceeding 17,5 % vol	(¹)	—	—	117,68		
	9191	— — Exceeding 17,5 % vol but not exceeding 18 % vol	(¹)	—	—	119,87		
		— Liqueur wine as defined in additional note 4 (c) to Chapter 22 of the combined nomenclature:						
	9192	— — Intended for processing into products not falling within code 2204	(²)	64,80	64,80			
		— — Other						
9193	— — Of an actual alcoholic strength of 15 % vol and exceeding 330 g total dry extract per litre		111,30	111,30	111,30			
9194	— — — Other	(²)	117,50	117,50	117,50			

CN code	Additional code	Description	Note	CY (ECU/hi)	DZ, MA, TN (ECU/hi)	Other countries (ECU/hi)	MCA Regulation Annex 1, Part 6	
							Table	Additional code
2204 21 49 (cont'd)	9195	— Wine fortified for distillation as defined in additional note 4 (b) to Chapter 22 of the combined nomenclature, of an actual alcoholic strength of 18 % vol	(²)	46,62	46,62	46,62		
		— White wine, of an actual alcoholic strength :						
	9196	— Exceeding 15 % vol but not exceeding 15,5 % vol	(¹)	K: 85,68	K: 66,64	108,94		
	9197	— Exceeding 15,5 % vol but not exceeding 16 % vol	(¹)	K: 87,87	K: 68,83	111,13		
	9198	— Exceeding 16 % vol but not exceeding 16,5 % vol	(¹)	K: 90,05	K: 71,01	113,31		
	9199	— Exceeding 16,5 % vol but not exceeding 17 % vol	(¹)	K: 92,24	K: 73,02	115,50		
	9200	— Exceeding 17 % vol but not exceeding 17,5 % vol	(¹)	K: 94,42	K: 75,38	117,68		
	9201	— Exceeding 17,5 % vol but not exceeding 18 % vol	(¹)	K: 96,61	K: 77,57	119,87		
		— Other wine, of an actual alcoholic strength :						
	9202	— Exceeding 15 % vol but not exceeding 15,5 % vol	(¹)	K: 85,68	K: 66,64	108,94		
	9203	— Exceeding 15,5 % vol but not exceeding 16 % vol	(¹)	K: 87,87	K: 68,83	111,13		
	9204	— Exceeding 16 % vol but not exceeding 16,5 % vol	(¹)	K: 90,05	K: 71,01	113,31		
	9205	— Exceeding 16,5 % vol but not exceeding 17 % vol	(¹)	K: 92,24	K: 73,02	115,50		
9206	— Exceeding 17 % vol but not exceeding 17,5 % vol	(¹)	K: 94,42	K: 75,38	117,68			
9207	— Exceeding 17,5 % vol but not exceeding 18 % vol	(¹)	K: 96,61	K: 77,57	119,87			
2204 21 51		— Wine from Tokay (Aszu and Szamorodni) of an actual alcoholic strength :						
	9209	— Exceeding 18 % vol but not exceeding 18,5 % vol	(¹)	—	—	122,05		
	9210	— Exceeding 18,5 % vol but not exceeding 19 % vol	(¹)	—	—	124,24		
	9211	— Exceeding 19 % vol but not exceeding 19,5 % vol	(¹)	—	—	126,42		
	9212	— Exceeding 19,5 % vol but not exceeding 20 % vol	(¹)	—	—	128,61		
	9213	— Exceeding 20 % vol but not exceeding 20,5 % vol	(¹)	—	—	130,79		
	9214	— Exceeding 20,5 % vol but not exceeding 21 % vol	(¹)	—	—	132,98		
	9215	— Exceeding 21 % vol but not exceeding 21,5 % vol	(¹)	—	—	135,16		
	9216	— Exceeding 21,5 % vol but not exceeding 22 % vol	(¹)	—	—	137,35		
2204 21 59		— Liqueur wine as defined in additional note 4 (c) to Chapter 22 of the combined nomenclature :						
	9217	— Intended for processing into products not falling within code 2204	(²)	78,40	78,40	78,40		
	9218	— Other	(²)	134,30	134,30	134,30		

CN code	Additional code	Description	Note	CY (ECU/hl)	DZ, MA, TN (ECU/hl)	Other countries (ECU/hl)	MCA Regulation Annex I, Part 6	
							Table	Additional code
2204 21 59 (cont'd)		— Wine fortified for distillation as defined in additional note 4 (b) to Chapter 22 of the combined nomenclature, of an actual alcoholic strength :						
	9219	— Exceeding 18 % vol but not exceeding 18,5 % vol	(¹)	47,27	47,27	47,27		
	9220	— Exceeding 18,5 % vol but not exceeding 19 % vol	(²)	48,56	48,56	48,56		
	9221	— Exceeding 19 % vol but not exceeding 19,5 % vol	(²)	49,86	49,86	49,86		
	9222	— Exceeding 19,5 % vol but not exceeding 20 % vol	(²)	51,15	51,15	51,15		
	9223	— Exceeding 20 % vol but not exceeding 20,5 % vol	(²)	52,45	52,45	52,45		
	9224	— Exceeding 20,5 % vol but not exceeding 21 % vol	(²)	53,74	53,74	53,74		
	9225	— Exceeding 21 % vol but not exceeding 21,5 % vol	(²)	55,04	55,04	55,04		
	9226	— Exceeding 21,5 % vol but not exceeding 22 % vol	(²)	56,33	56,33	56,33		
		— White wine, of an actual alcoholic strength :						
	9227	— Exceeding 18 % vol but not exceeding 18,5 % vol	(¹)	K: 98,79	K: 79,75	122,05		
	9228	— Exceeding 18,5 % vol but not exceeding 19 % vol	(¹)	K: 100,98	K: 81,94	124,24		
	9229	— Exceeding 19 % vol but not exceeding 19,5 % vol	(¹)	K: 103,16	K: 84,12	126,42		
	9230	— Exceeding 19,5 % vol but not exceeding 20 % vol	(¹)	K: 105,35	K: 86,31	128,61		
	9231	— Exceeding 20 % vol but not exceeding 20,5 % vol	(¹)	K: 107,53	K: 88,49	130,79		
	9232	— Exceeding 20,5 % vol but not exceeding 21 % vol	(¹)	K: 109,72	K: 90,68	132,98		
	9233	— Exceeding 21 % vol but not exceeding 21,5 % vol	(¹)	K: 111,90	K: 92,86	135,16		
	9234	— Exceeding 21,5 % vol but not exceeding 22 % vol	(¹)	K: 114,09	K: 95,05	137,35		
		— Other wine, of an actual alcoholic strength :						
	9235	— Exceeding 18 % vol but not exceeding 18,5 % vol	(¹)	K: 98,79	K: 79,75	122,05		
	9236	— Exceeding 18,5 % vol but not exceeding 19 % vol	(¹)	K: 100,98	K: 81,94	124,24		
	9237	— Exceeding 19 % vol but not exceeding 19,5 % vol	(¹)	K: 103,16	K: 84,12	126,42		
	9238	— Exceeding 19,5 % vol but not exceeding 20 % vol	(¹)	K: 105,35	K: 86,31	128,61		
	9239	— Exceeding 20 % vol but not exceeding 20,5 % vol	(¹)	K: 107,53	K: 88,49	130,79		
	9240	— Exceeding 20,5 % vol but not exceeding 21 % vol	(¹)	K: 109,72	K: 90,68	132,98		
	9241	— Exceeding 21 % vol but not exceeding 21,5 % vol	(¹)	K: 111,90	K: 92,86	135,16		
	9242	— Exceeding 21,5 % vol but not exceeding 22 % vol	(¹)	K: 114,09	K: 95,05	137,35		
2204 21 90		— Liqueur wine as defined in additional note 4 (c) to Chapter 22 of the combined nomenclature :						
	9243	— Intended for processing into products not falling within code 2204		86,70	86,70	86,70		
	9244	— Other		141,60	141,60	141,60		

CN code	Additional code	Description	Note	CY (ECU/ht)	DZ, MA, TN (ECU/ht)	Other countries (ECU/ht)	MCA Regulation Annex 1, Part 6	
							Table	Additional code
2204 21 90 (cont'd)		<p>— Wine fortified for distillation as defined in additional note 4 (b) to Chapter 22 of the combined nomenclature, of an actual alcoholic strength :</p> <p>— — Exceeding 22 % vol but not exceeding 22,5 % vol</p> <p>— — Exceeding 22,5 % vol but not exceeding 23 % vol</p> <p>— — Exceeding 23 % vol but not exceeding 23,5 % vol</p> <p>— — Exceeding 23,5 % vol but not exceeding 24 % vol</p> <p>— White wine, of an actual alcoholic strength :</p> <p>— — Exceeding 22 % vol but not exceeding 22,5 % vol</p> <p>— — Exceeding 22,5 % vol but not exceeding 23 % vol</p> <p>— — Exceeding 23 % vol but not exceeding 23,5 % vol</p> <p>— — Exceeding 23,5 % vol but not exceeding 24 % vol</p> <p>— Other wine, of an actual alcoholic strength :</p> <p>— — Exceeding 22 % vol but not exceeding 22,5 % vol</p> <p>— — Exceeding 22,5 % vol but not exceeding 23 % vol</p> <p>— — Exceeding 23 % vol but not exceeding 23,5 % vol</p> <p>— — Exceeding 23,5 % vol but not exceeding 24 % vol</p>		<p>57,63</p> <p>58,92</p> <p>60,22</p> <p>61,51</p> <p>K : 116,27</p> <p>K : 118,46</p> <p>K : 120,64</p> <p>K : 122,83</p> <p>K : 116,27</p> <p>K : 118,46</p> <p>K : 120,64</p> <p>K : 122,83</p>	<p>57,63</p> <p>58,92</p> <p>60,22</p> <p>61,51</p> <p>K : 97,23</p> <p>K : 99,42</p> <p>K : 101,60</p> <p>K : 103,79</p> <p>K : 97,23</p> <p>K : 99,42</p> <p>K : 101,60</p> <p>K : 103,79</p>	<p>57,63</p> <p>58,92</p> <p>60,22</p> <p>61,51</p> <p>139,53</p> <p>141,72</p> <p>143,90</p> <p>146,09</p> <p>139,53</p> <p>141,72</p> <p>143,90</p> <p>146,09</p>		

COMMISSION REGULATION (EEC) No 3697/92

of 21 December 1992

fixing, for 1993, the quota for imports into Spain of pigmeat products from third countries and certain detailed rules for the application thereof

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 491/86 of 25 February 1986 laying down detailed rules concerning quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, as amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 3 thereof,

Whereas the quota for 1992 for imports into Spain of pigmeat products from third countries is set out in the Annex to Commission Regulation (EEC) No 3661/91⁽³⁾; whereas Article 3 of the said Regulation also lays down a minimum rate of progressive increases of the quota of 10 %; whereas this increase still reflects market needs; whereas the quota for 1993 should be fixed;

Whereas, to ensure proper management of the quota, applications for import authorizations should be subject to the lodging of a security to cover, as a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽⁴⁾, as last amended by Regulation (EEC) No 3745/89⁽⁵⁾, the effective importation of the goods; whereas provision should also be made for the quotas to be staggered over the year;

Whereas provision should be made for Spain to communicate information to the Commission on the application of the quota;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quota for 1993 that Spain may apply, pursuant to Article 77 of the Act of Accession, to imports of pigmeat

products from third countries shall be as shown in the Annex hereto.

Article 2

1. The Spanish authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between the applicants.

The quota shall be staggered over the year as follows:

- 50 % during the period 1 January to 30 June 1993,
- 50 % during the period 1 July to 31 December 1993.

2. Applications for import authorizations shall be subject to the lodging of a security. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 covered by the security shall consist in the effective importation of the goods.

Article 3

The minimum rate of progressive increase of the quotas shall be 10 % at the beginning of each year.

The increase shall be added to each quota and the subsequent increase shall be calculated on the basis of the total figure obtained.

Article 4

The Spanish authorities shall communicate to the Commission the measures which they adopt for the application of Article 2.

They shall transmit, not later than the 15th of each month, the following information on import authorizations issued in the preceding month:

- the quantities covered by the import authorizations issued, by country of provenance,
- the quantities imported, by country of provenance.

Article 5

This Regulation shall enter into force on 1 January 1993.

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 348, 17. 12. 1991, p. 46.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁵⁾ OJ No L 364, 14. 12. 1989, p. 54.

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

Done at Brussels, 21 December 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

		<i>(tonnes)</i>
CN code	Description	Quota for 1993
ex 0103	Live swine, of domestic species, other than pure-bred breeding animals	} 1 948
ex 0203	Meat of domestic swine, fresh, chilled, or frozen	
ex 0206	Edible offal of domestic swine, other than for the manufacture of pharmaceutical products, fresh, chilled or frozen	
ex 0209	Pig fat free of lean meat (not rendered), fresh, chilled, frozen, salted, in brine, dried or smoked	
ex 0210	Meat and edible meat offal of domestic swine, salted, in brine, dried or smoked	
1501 00 11	Lard and other pig fat, rendered, whether or not pressed or solvent extracted	
1501 00 19		
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	
1602 10	Homogenized preparations of meat, meat offal or blood	
1602 20 90	Preparations or preserves of liver of any animal, other than goose or duck	
1602 41 10	Other preparations and preserves containing meat or offal of domestic swine	
1602 42 10		
1602 49 11		
to		
1602 49 50		
1602 90 10	Preparations of blood of any animal	
1602 90 51	Other preparations or preserves containing meat or meat offal of domestic swine	
1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin	

COMMISSION REGULATION (EEC) No 3698/92
of 21 December 1992
amending Regulation (EEC) No 3846/87 establishing an agricultural products
nomenclature for export refunds

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 16 thereof,

Whereas Commission Regulation (EEC) No 2505/92 of 14 July 1992 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾ foresees an amendment for wheat and meslin, barley, oats and cereals groats, meal and pellets;

Whereas Commission Regulation (EEC) No 3846/87⁽⁴⁾, as last amended by Regulation (EEC) No 3290/92⁽⁵⁾, establishes, on the basis of the combined combined nomenclature, the nomenclature applicable to export refunds for agricultural products; whereas this nomenclature

should be adapted accordingly to the abovementioned amendment;

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 data relating to CN codes 1001 10, 1003, 1004 00 and 1103 11 10 of the agricultural product nomenclature for export refunds given in sector 1 of the Annex to Regulation (EEC) No 3846/87 are hereby replaced by that listed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 21 December 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 267, 14. 9. 1992, p. 1.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 327, 13. 11. 1992, p. 34.

ANNEX

CN code	Description	Product code
1001 10 00	– Durum wheat :	
	– – Seed	1001 10 00 200
	– – Other	1001 10 00 400
1003 00	Barley :	
1003 00 10	– Seed	1003 00 10 000
1003 00 20	– For fabrication of malt	1003 00 20 000
1003 00 80	– Other	1003 00 80 000
1004 00 00	Oats :	
	– Seed	1004 00 00 200
	– Other	1004 00 00 400
ex 1103	Cereal groats, meal and pellets :	
	– Groats and meal :	
1103 11	– – Of wheat :	
	– – – Durum wheat :	
1103 11 30	– – – – Groats :	
	– Of an ash content from 0 to 1 300 mg/100 g :	1103 11 30 200
	– Of an ash content of more than 1 300 mg/100 g	1103 11 30 900
1103 11 50	– – – – Meal :	
	– Of an ash content from 0 to 1 300 mg/100 g :	
	– Meal of which less than 10 %, by weight, is capable of passing through a sieve of 0,160 mm mesh	1103 11 50 200
	– Other	1103 11 50 400
	– Of an ash content of more than 1 300 mg/100 g	1103 11 50 900

COMMISSION REGULATION (EEC) No 3699/92

of 21 December 1992

amending Regulation (EEC) No 441/88 laying down detailed rules for applying compulsory distillation as referred to in Article 39 of Council Regulation (EEC) No 822/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1756/92 ⁽²⁾, and in particular Article 39 ⁽⁹⁾ thereof,

Whereas Commission Regulation (EEC) No 441/88 ⁽³⁾, as last amended by Regulation (EEC) No 2070/91 ⁽⁴⁾, set detailed rules for applying compulsory distillation as specified in Article 39 of Regulation (EEC) No 822/87;

Whereas in order to permit equitable distribution of the burden of compulsory distillation in the Community production regions must be delimited that are homogeneous on certain counts; whereas this requirement also applies for Portugal;

Whereas the buying-in prices and aid set for the 1992/93 wine year by Commission Regulation (EEC) No 2167/92 ⁽⁵⁾, as amended by Regulation (EEC) No 2959/92 ⁽⁶⁾, also apply to wine production in Portugal; whereas it is accordingly indispensable, to secure correct application of compulsory distillation in Portugal, to establish the region of production and average production of table wine and of products upstream from table wine in that region;

Whereas since the Council has not in application of Article 1 (4) of Regulation (EEC) No 822/87 determined

in Annex IV thereto the Portuguese wine-growing zones, the entire wine-growing area of Portugal should be classed as a single entity, this being without prejudice to the decision that the Council is to take on this matter;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 441/88 is hereby amended as follows:

1. the following indent is added at the end of Article 4 (2):
'— Region 7: the wine-growing regions of Portugal';
2. the following indent is added at the end of Article 4 (3):
'— Region 7: 7 250 000 hl'.

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, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 27.

⁽³⁾ OJ No L 45, 18. 2. 1988, p. 15.

⁽⁴⁾ OJ No L 191, 16. 7. 1991, p. 25.

⁽⁵⁾ OJ No L 217, 31. 7. 1992, p. 35.

⁽⁶⁾ OJ No L 298, 14. 10. 1992, p. 8.

COMMISSION REGULATION (EEC) No 3700/92
of 21 December 1992
suspending advance fixing of the import levy for certain 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 first subparagraph of Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the levy may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas there is a danger, given the irregular pattern of fixings at the end of the year and the uncertain trend of prices during that period, that if existing arrangements are adhered to, levies could be fixed in advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the above situation requires that application of the provisions concerning advance fixing of levies for the products concerned be temporarily suspended;

Whereas Commission Regulation (EEC) No 3053/92⁽³⁾, as amended by Regulation (EEC) No 3152/92⁽⁴⁾, suspends the advance fixing of the import levy on cereals including grain sorghum of CN code 1007 00 90;

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

Advance fixing of the import levy on the products referred to in Article 1 (a), (b), (c) and (d) of Regulation (EEC) No 2727/75 is hereby suspended from 24 December 1992 until 7 January 1993, except in the case of imports of sorghum falling within CN code 1007 00 90 for which advance fixing of the import levy is hereby suspended by Regulation (EEC) No 3053/92, as amended by Regulation (EEC) No 3152/92.

Article 2

This Regulation shall enter into force on 24 December 1992.

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

Done at Brussels, 21 December 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 307, 23. 10. 1992, p. 47.

⁽⁴⁾ OJ No L 313, 30. 10. 1992, p. 58.

COMMISSION REGULATION (EEC) No 3701/92

of 21 December 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 the abatement of the subsidy which arises from the system of maximum guaranteed quantities for the 1992/93 year, has been fixed by Commission Regulation (EEC) No 2512/92 ⁽⁹⁾, as amended by Regulation (EEC) No 2752/92 ⁽¹⁰⁾;

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 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹²⁾, 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 ⁽¹³⁾ 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;

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 ⁽¹⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹⁵⁾,
- 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;

⁽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. 7. 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 250, 29. 8. 1992, p. 15.

⁽¹⁰⁾ OJ No L 279, 23. 9. 1992, p. 18.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

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⁽¹⁾; 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

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 22 December 1992.

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

Done at Brussels, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
Peas used :							
— in Spain	11,124	11,282	11,440	11,598	11,756	11,756	11,756
— in Portugal	11,132	11,290	11,448	11,606	11,764	11,764	11,764
— in another Member State	11,192	11,350	11,508	11,666	11,824	11,824	11,824
Field beans used :							
— in Spain	11,192	11,350	11,508	11,666	11,824	11,824	11,824
— in Portugal	11,132	11,290	11,448	11,606	11,764	11,764	11,764
— in another Member State	11,192	11,350	11,508	11,666	11,824	11,824	11,824

Products used in animal feed :

(ECU per 100 kg)

	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
A. Peas used :							
— in Spain	11,395	11,553	11,710	12,257	12,745	12,955	12,955
— in Portugal	11,438	11,595	11,753	12,297	12,783	12,991	12,991
— in another Member State	11,438	11,595	11,753	12,297	12,783	12,991	12,991
B. Field beans used :							
— in Spain	11,395	11,553	11,710	12,257	12,745	12,955	12,955
— in Portugal	11,438	11,595	11,753	12,297	12,783	12,991	12,991
— in another Member State	11,438	11,595	11,753	12,297	12,783	12,991	12,991
C. Sweet lupins harvested in Spain and used :							
— in Spain	13,915	13,915	13,915	14,434	14,874	15,154	15,154
— in Portugal	13,972	13,972	13,972	14,488	14,925	15,203	15,203
— in another Member State	13,972	13,972	13,972	14,488	14,925	15,203	15,203
D. Sweet lupins harvested in another Member State and used :							
— in Spain	13,915	13,915	13,915	14,434	14,874	15,154	15,154
— in Portugal	13,972	13,972	13,972	14,488	14,925	15,203	15,203
— in another Member State	13,972	13,972	13,972	14,488	14,925	15,203	15,203

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	1,53	0,00	0,00	0,00	0,00	0,00	0,00	3,46
— Denmark (Dkr)	0,00	0,00	0,00	0,28	0,00	0,00	0,00	0,00	0,00	0,00	0,64
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,07	0,00	0,00	0,00	0,00	0,00	0,00	0,17
— Greece (Dr)	0,00	0,00	0,00	9,24	0,00	0,00	0,00	0,00	0,00	0,00	20,95
— Spain (Pta)	0,00	0,00	0,00	5,07	0,00	0,00	0,00	0,00	0,00	0,00	11,51
— France (FF)	0,00	0,00	0,00	0,25	0,00	0,00	0,00	0,00	0,00	0,00	0,56
— Ireland (£ Irl)	0,000	0,000	0,000	0,028	0,000	0,000	0,000	0,000	0,000	0,000	0,063
— Italy (Lit)	0	0	0	63	0	0	0	0	0	0	142
— Netherlands (Fl)	0,00	0,00	0,00	0,08	0,00	0,00	0,00	0,00	0,00	0,00	0,19
— Portugal (Esc)	0,00	0,00	0,00	6,52	0,00	0,00	0,00	0,00	0,00	0,00	14,79
— United Kingdom (£)	0,000	0,000	0,000	0,029	0,000	0,000	0,000	0,000	0,000	0,000	0,065

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 =	40,6304	7,51410	1,96992	257,916	139,896	6,60683	0,735334	1 741,14	2,21958	175,324	0,797302

COMMISSION REGULATION (EEC) No 3702/92
of 21 December 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 2053/92⁽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 2539/92⁽⁴⁾, as last amended by Regulation (EEC) No 3557/92⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2539/92 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

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 73,574 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 December 1992.

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

Done at Brussels, 21 December 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 215, 30. 7. 1992, p. 12.

⁽⁴⁾ OJ No L 254, 1. 9. 1992, p. 47.

⁽⁵⁾ OJ No L 361, 10. 12. 1992, p. 40.

COMMISSION REGULATION (EEC) No 3703/92**of 21 December 1992****on the date of public announcement of new agricultural conversion rates**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts ⁽¹⁾, as last amended by Regulation (EEC) No 3247/89 ⁽²⁾, and in particular the last subparagraph of Article 6 (3) thereof,

Whereas monetary compensatory amounts fixed in advance are adjusted if a new agricultural conversion rate comes into effect that was publicly announced before the application for advanced fixing was lodged; whereas it is necessary to fix the date of public announcement of the new agricultural conversion rates for Spain and Italy;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of the agricultural conversion rates set by the Council for Spain and Italy with effect from 22 December 1992 the date of public announcement referred to in Article 6 (1) of Regulation (EEC) No 3155/85 shall be 15 December 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, 21 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 310, 21. 11. 1985, p. 22.⁽²⁾ OJ No L 314, 28. 10. 1989, p. 51.

INFORMATION FROM THE COMMISSION

The Commission draws the attention of interested parties to the fact that for movements effected from 22 December 1992 the monetary compensatory amounts will be calculated using the following monetary gaps determined in line with the provisions of Articles 5 and 6 of Council Regulation (EEC) No 1677/85⁽¹⁾, for Spain and Italy:

Italy:

— cereals, sugar, milk, beef and veal	— 3,1
— eggs and poultry, wine	0
— pigmeat, olive oil	0

Spain:

— cereals, sugar	— 2,2
— milk, beef and veal	— 2,2
— eggs and poultry	0
— wine	0
— pigmeat	0
— olive oil	0

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 27 November 1992

calling upon Member States to set up the infrastructures needed to identify dangerous products at the external frontiers

(92/579/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 155, second indent thereof,

Whereas the Member States must, by 29 June 1994, the scheduled implementation date of Council Directive 92/59/EEC of 29 June 1992 on general product safety⁽¹⁾, have adopted the laws, regulations and administrative provisions to comply with the abovementioned Directive; whereas one of the main elements of the Directive is a coherent set of procedures at both national and Community level to ensure compliance with the general safety obligation, i.e. the obligation on producers to place only safe products on the market;

Whereas the definition of 'producer' in point (d) of Article 2 of Directive 92/59/EEC also covers the importer of the product; whereas the obligation on producers to place only safe products on the market applies equally to the activities of importers seeking the release for free circulation of consumer products from non-member countries;

Whereas this Directive makes provision for the adoption at Community level of emergency measures as a last resort where Member States differ on the emergency measures to be taken, and if the existing Community

procedures prove inadequate to deal with emergency situations created by dangerous products;

Whereas this procedure provides for a Community decision laying down temporary measures in respect of a specific product; whereas Member States are then responsible for taking the appropriate measures nationally to ensure its implementation in their own territory; whereas national measures of this nature are also required if the emergency situation can be dealt with the Member States themselves without formal involvement by the Community, provided that all equivalent measures are taken to eliminate the risk and protect the health and safety of consumers and the smooth functioning of the single market;

Whereas, where the abovementioned national provisions involve banning certain products from the market and in view of the applicability of Directive 92/59/EEC in the case of release for free circulation, compliance with these provisions will be ensured by the national authorities responsible for supervising the market, including the customs authority responsible for authorizing the release for free circulation of products of non-Community origin;

Whereas, in the period prior to implementation of Directive 92/59/EEC, in order to ensure a high level of consumer protection, not only within their own territory but also at the external frontiers, it is appropriate to invite the Member States to provide, as of now, for administrative infrastructures enabling products deemed dangerous to be identified;

⁽¹⁾ OJ No L 228, 11. 8. 1992, p. 24.

Whereas Council Decision 89/45/EEC of 21 December 1988 on a Community system for the rapid exchange of information on dangers arising from the use of consumer products⁽¹⁾, as amended by Decision 90/352/EEC⁽²⁾, provides for an effective and coherent infrastructure to allow exchange of information between the Member States and the Commission; whereas the procedure is initiated where a Member State decides to take urgent steps to prevent, restrict or attach particular conditions to the marketing or use on its territory of a product because of the serious and immediate risk which that product presents for the health or safety of consumers;

Whereas this information procedure has been designed to alert other Member States to the serious and immediate risk presented by certain consumer products on the market which have been identified by a specific Member State, to enable them to take the appropriate steps to ensure consumer protection in their own territory;

Whereas this system of market supervision can also be used by Member States in order to identify the products deemed to present a serious and immediate risk, notably during the import formalities for release for free circulation of such products of non-Community origin; whereas in these conditions the decision by a Member State to ban or restrict the marketing of a specific product may equally apply to products identical to the notified dangerous products of non-Community origin which have been declared for release for free circulation;

Whereas the procedures advocated in this recommendation are not such as to prejudice the practical verification and analysis methods used by the national authorities to establish whether a product is genuinely dangerous;

Whereas, pursuant to Decision 89/45/EEC, the Member States have the infrastructures needed to check the extent to which a notified product presents a serious and immediate risk; whereas, for the system to be effective, the Member States are invited to inform their customs authorities of the results of such checks in order to allow identification of the product concerned on the basis of the customs declaration presented as part of the formalities for release for free circulation;

Whereas in so far as such products are identified by the customs authority, it is recommended that clearance for their release onto the market be suspended in order to enable the competent authorities to carry out the checks needed;

Whereas, even if the notified product is not available on the national market, it is suggested that Member States

give the competent authorities the opportunity to take the measures referred to above with regard to the product on the basis of information notified in the context of the rapid exchange system and, where appropriate, on the basis of examination of a sample supplied to the competent authority; whereas, in the event of measures being taken in respect of a dangerous product, it is desirable that the customs authorities have this information at their disposal in order to ensure proper surveillance of external frontiers; whereas, in these conditions, supplementary checks as described above may be undertaken where the notified product has been declared for release for free circulation;

Whereas if, as a result of such checks, the product concerned is found to present a genuine serious and immediate risk for consumer health or safety, Member States are invited to prohibit its release for free circulation on the basis of the abovementioned national measure;

Whereas, pending implementation of Directive 92/59/EEC, Member States are invited to implement this recommendation to ensure a high level of consumer protection, through effective surveillance of the external frontiers to protect against products presenting a serious and immediate risk;

Whereas, to assess the effectiveness of the procedures advocated in this recommendation, in so far as the Member States have acted upon it, it is desirable that the Commission should, after consultation with the Member States, notify the European Parliament and Council;

Whereas this recommendation by its very nature is without prejudice to the application of the equivalent Community notification procedures,

HEREBY FORMULATES THIS RECOMMENDATION :

I

For the purposes of this recommendation :

1. 'rapid information exchange system' means the Community system for the rapid exchange of information on dangers arising from the use of consumer products established by Decision 89/45/EEC;
2. 'contact point' means the competent national authority designated by each Member State to communicate or receive :

⁽¹⁾ OJ No L 17, 21. 1. 1989, p. 51.

⁽²⁾ OJ No L 173, 6. 7. 1990, p. 49.

- notification in respect of a decision by a Member State to take urgent steps to prevent, restrict or attach particular conditions to the marketing or use on its territory of a product or a product batch, because of the serious and immediate risk which that product or product batch presents for the health or safety of consumers when used in normal and foreseeable conditions,
 - information received by the Commission and subsequently communicated to the Member States,
 - particulars of market checks carried out and, where relevant, steps taken following receipt of initial notification ;
3. 'products' means all products intended for consumers as defined in Article 3 of Decision 89/45/EEC,
 4. 'customs authorities' means the authorities empowered, *inter alia*, to apply the customs regulations.

II

1. Any Member State which decides to take urgent steps to prevent, restrict or attach particular conditions to the marketing or use on its territory of a product because of the serious and immediate risk which that product presents for the health or safety of consumers is invited to inform both its own national customs authorities and the Commission thereof, in accordance with Article 1 of Decision 89/45/EEC.
2. In the case of application of paragraph 1, and to facilitate identification of the product concerned, it is desirable that the information should include, by way of guidance, along with the elements specified in Article 1 (2) of Decision 89/45/EEC, a reference to the combined nomenclature code.

III

Member States are invited to make provision for the possibility that :

1. on receipt of notification through the rapid information exchange system, the contact point, where appropriate through the intermediary of an authority competent in the domain, may take the steps necessary to check whether the products concerned present a serious and immediate risk ;
2. where a sample of the product is needed for this assessment, the contact point may transmit an appropriate application to the Commission, which shall then inform the contract point of the Member State issuing the notification. In so far as this contact point decides to approve the application, a sample of the product in

question may be provided to the requesting contact point. If an application to this effect is made by the contact point issuing the notification, the sample should be returned.

IV

1. Member States are invited to make provision for the possibility of the contact point informing the customs authorities of its country and the Commission, in accordance with Article 3 of Decision 89/45/EEC, where the contact point deems the product notified by another Member State to present a genuine serious and immediate risk to consumer health or safety and, consequently, the Member State concerned decides to take urgent steps to prevent, restrict or attach particular conditions to the possible marketing or use on its territory of this product. In this case, paragraph 2 of point II shall apply.
2. Paragraph 1 may also apply where the notified product has been assessed, following verification, as dangerous within the meaning of paragraph 1, but has not been found on the national territory in the Member State concerned.

V

Member States are invited to make provision for the possibility that :

1. immediately upon receipt of the information issued in accordance with points II and IV, the customs authorities may take the appropriate steps to ensure that the product concerned can be identified if application is made for its release for free circulation ;
2. where a product identical to the product notified is declared for release for free circulation, the customs authorities may directly inform the contact point and suspend, where appropriate, their decision to clear the product ;
3. the contact point, where appropriate through the intermediary of an authority competent in the domain, may take appropriate steps to check the characteristics of the product declared for release for free circulation, paid particular attention to safety, to establish whether it is identical to the product in respect of which notification has been received and the national measures referred to in point IV have been taken ;
4. where the checks referred to in 3 confirm that the product concerned presents a serious and immediate risk for consumer health or safety, the contact point may inform the customs authority which may decide to withhold authorization. In such cases those authorities are invited to attach one of the following markings to the commercial invoice accompanying the product :

- «Producto peligroso — No autorizado su despacho a libre práctica
Recomendación 92/579/CEE»
 - «Farligt produkt — Ikke godkendt til fri omsætning
Henstilling 92/579/EØF»
 - «Gefährliches Produkt — Abfertigung zum freien Verkehr nicht gestattet
Empfehlung 92/579/EWG»
 - «Επικίνδυνο προϊόν — Δεν επιτρέπεται η θέση σε ελεύθερη κυκλοφορία
Σύσταση 92/579/ΕΟΚ»
 - «Dangerous product — Release for free circulation not authorized
Recommendation 92/579/EEC»
 - «Produit dangereux — Mise en libre pratique non autorisée
Recommandation 92/579/CEE»
 - «Prodotto pericoloso — Immissione in libera pratica non autorizzata
Raccomandazione 92/579/CEE»
 - «Gevaarlijk produkt — het in het vrije verkeer brengen ervan niet toegestaan
Aanbeveling 92/579/EEG»
 - «Produto perigoso — Colocação em livre prática não autorizada
Recomendação 92/579/CEE»;
5. if the product concerned is subsequently declared for entry other than for free circulation, the marking specified in 4 may also be attached to the document relating to the customs procedure in question or the one used in free zones or free warehouses.

VI

Member States are invited to make provision for the possibility of the contact point notifying the Commission of cases of application of point V, quoting, where appropriate, the reference number of the initial notification. The Commission shall inform the other Member States.

VII

If the Member States decide to act on one or several of the provisions in this recommendation, they are invited to inform the Commission accordingly.

VIII

1. Within one year of publication of this recommendation, the Commission shall proceed to consult with the Member States to evaluate any action which the Member States have taken on the basis of the Recommendation.
2. Following consultation, the Commission shall submit a report to the European Parliament and the Council in respect of the application of this recommendation.

IX

This recommendation is addressed to the Member States.

Done at Brussels, 27 November 1992.

For the Commission

Karel VAN MIERT

Member of the Commission