

# Official Journal

## of the European Communities

ISSN 0378-6978

L 163

Volume 36

6 July 1993

English edition

## Legislation

Contents

### I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 1781/93 of 30 June 1993 imposing a definitive countervailing duty on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country, and definitively collecting the provisional duty** ..... 1
- Commission Regulation (EEC) No 1782/93 of 5 July 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 3
- Commission Regulation (EEC) No 1783/93 of 5 July 1993 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 5
- ★ **Commission Regulation (EEC) No 1784/93 of 30 June 1993 fixing the adjustment coefficients for aid for fibre flax** ..... 7
- ★ **Commission Regulation (EEC) No 1785/93 of 30 June 1993 on the operative events for the agricultural conversion rates used in the fibre sector** ..... 9
- ★ **Commission Regulation (EEC) No 1786/93 of 30 June 1993 determining for the period 1 July 1993 to 28 February 1994 the quantities of raw sugar produced in the French overseas departments for which the refining aid specified in Council Regulation (EEC) No 2225/86 may be granted and amending Regulation (EEC) No 388/93** ..... 11
- ★ **Commission Regulation (EEC) No 1787/93 of 30 June 1993 amending Annex II to Regulation (EEC) No 3578/86 with regard to the conversion factors to be applied to the buying-in prices for fruit and vegetables with respect to tomatoes** ..... 13
- ★ **Commission Regulation (EEC) No 1788/93 of 30 June 1993 amending Regulation (EEC) No 2177/92 laying down detailed rules for the application of the specific supply arrangements for the Azores, Madeira and the Canary Islands with regard to sugar** ..... 14

2

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

* Commission Regulation (EEC) No 1789/93 of 30 June 1993 opening an invitation to tender for the sale for export of baled tobacco held by the Greek and Italian intervention agencies .....	16
* Commission Regulation (EEC) No 1790/93 of 30 June 1993 fixing the penalties applicable to durum wheat producers excluded from production aid in 1992/93 .....	19
* Commission Regulation (EEC) No 1791/93 of 30 June 1993 amending Regulation (EEC) No 3664/91 laying down transitional measures for aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails .....	20
* Commission Regulation (EEC) No 1792/93 of 30 June 1993 amending Regulation (EEC) No 3900/92 laying down the special rules of application for the Community import arrangements for certain species of preserved tuna, bonito and sardines and fixing the quantities of those products which may be imported during 1993 and laying down special rules for issuing import documents .....	21
* Commission Regulation (EEC) No 1793/93 of 30 June 1993 regarding the operative event for the agricultural conversion rates used in the hops sector	22
* Commission Regulation (EEC) No 1794/93 of 30 June 1993 laying down detailed rules for the application of production aid for processed tomato products .....	23
* Commission Regulation (EEC) No 1795/93 of 30 June 1993 on the issue of a standing invitation to tender for the resale on the internal market of 150 000 tonnes of durum wheat held by the Italian intervention agency with a view to its processing in certain Member States .....	26
* Commission Regulation (EEC) No 1796/93 of 30 June 1993 on the application of the system of import licences for cherries from third countries .....	28
* Commission Regulation (EEC) No 1797/93 of 2 July 1993 concerning the stopping of fishing for common sole by vessels flying the flag of Belgium ...	30
Commission Regulation (EEC) No 1798/93 of 5 July 1993 on the application of a minimum import price for certain soft fruits originating in Poland .....	31
Commission Regulation (EEC) No 1799/93 of 5 July 1993 fixing the import levies on white sugar and raw sugar .....	33

---

II *Acts whose publication is not obligatory*

**Commission**

93/381/EEC :

* Commission Decision of 1 July 1993 accepting a modified version of the undertaking offered by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand	35
--	----

---

**Corrigenda**

Corrigendum to Commission Regulation (EEC) No 1680/93 of 30 June 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal (OJ No L 159 of 1.7.1993)	38
Corrigendum to Commission Regulation (EEC) No 1690/93 of 30 June 1993 altering the export refunds on white sugar and raw sugar exported in the natural state (OJ No L 159 of 1.7.1993)	38
Corrigendum to Commission Regulation (EEC) No 1739/93 of 1 July 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal (OJ No L 161 of 2.7.1993)	38

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 1781/93**

of 30 June 1993

**imposing a definitive countervailing duty on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country, and definitively collecting the provisional duty**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 12 thereof,

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

Whereas :

**A. Provisional measures**

- (1) In March 1993, the Commission, by Regulation (EEC) No 527/93<sup>(2)</sup>, imposed a provisional countervailing duty of 13,4 % on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another third country.
- (2) This duty was imposed following a review commenced in July 1992<sup>(3)</sup> of Commission Decision 90/266/EEC<sup>(4)</sup> accepting an undertaking offered by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of the abovementioned ball bearings. No countervailing duty was imposed at the time of adoption of that Decision. The review investigation has revealed that a duty is necessary in order to prevent indirect imports avoiding the export tax levied by the Royal Thai Government

and to safeguard the effectiveness of the undertaking.

**B. Subsequent procedure**

- (3) Following the imposition of the provisional countervailing duty, the interested parties who so requested were granted an opportunity to be heard by the Commission and to make known their views on the findings.
- (4) Upon request, parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive duty and the definitive collection of amounts secured by way of the provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

The oral and written comments submitted by the parties were taken into consideration.

**B. Recalculation of subsidy amount**

- (5) The provisional duty of 13,4 % was based on the original rate of export tax of Baht 1,76 per piece, expressed cif at the Community frontier as determined in Decision 90/266/EEC.
- (6) The Commission has, when reviewing this Decision, now recalculated the amount of subsidy granted to the exporters in Thailand during the year immediately prior to the opening of the review. It has concluded that the subsidy now amounts to Baht 0,91 per piece. The Royal Thai Government has accordingly modified the rate of the export tax on ball bearings exported directly to the Community.

**D. Injury and Community interest**

- (7) No evidence was supplied with regard to injury or Community interest. The Council therefore confirms the conclusions of the Commission in Decision 90/266/EEC concerning these matters.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 56, 9. 3. 1993, p. 24.

<sup>(3)</sup> OJ No C 182, 18. 7. 1992, p. 6.

<sup>(4)</sup> OJ No L 152, 16. 6. 1990, p. 59.

**E. Definitive duty**

- (8) The Commission concludes that it is necessary to impose a countervailing duty on indirect imports in order to preserve the effectiveness of the undertaking and to prevent such imports causing injury to the Community industry as established in Decision 90/266/EEC. The Council confirms this conclusion. In order to take account of future price changes due to exchange rate fluctuations, it is appropriate to express the duty on an *ad valorem* basis. The duty so calculated amounts to 6,7%.

**F. Collection of provisional duties**

- (9) In view of the fact that indirect exports are subsidized and contribute to the injury suffered by the Community industry, the Council considers it necessary that the amounts collected by way of provisional duty should be definitively collected up to the amount of the duty definitively imposed.

**G. Collection of anti-dumping and countervailing duties**

- (10) Council Regulation (EEC) No 2934/90<sup>(1)</sup> imposed an anti-dumping duty of 6,7% on imports of ball bearings with a greatest external diameter not exceeding 30 mm originating in Thailand. The collection of this anti-dumping duty on all imports of Thai origin remains unaffected by this Regulation.

As explained in Commission Regulation (EEC) No 1631/90<sup>(2)</sup> (recitals 47 to 53) confirmed by Regulation (EEC) No 2934/90 (recitals 19 and 20), the imposition of both anti-dumping and countervailing duties is possible in this case.

Therefore the countervailing duty should be collected in addition to the anti-dumping duty. The combined amount of anti-dumping and countervai-

ling duty to be collected in this case is, therefore, 13,4% (6,7% anti-dumping duty plus 6,7% countervailing duty).

The basis for calculating the amount of both anti-dumping and countervailing duty should be the same net, free-at-Community-frontier price,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A definitive countervailing duty is hereby imposed on imports of ball bearings with a greatest external diameter not exceeding 30 mm, falling within CN code 8482 10 10, which originate in Thailand but are exported to the Community from another country.

(Originating in Thailand and exported from another country: Taric additional code 8723;

originating in Thailand and exported from Thailand: Taric additional code 8724.)

2. The countervailing duty expressed as a percentage of the net, free-at-Community-frontier, price of the product, shall be 6,7%.

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

*Article 2*

The amounts collected or secured by way of provisional countervailing duty pursuant to Regulation (EEC) No 527/93 shall be collected at the rate of duty definitively imposed. Secured amounts which are not covered by the rate of duty definitively imposed shall be released.

*Article 3*

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

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

Done at Luxembourg, 30 June 1993.

*For the Council*

*The President*

S. BERGSTEIN

<sup>(1)</sup> OJ No L 281, 12. 10. 1990, p. 1.

<sup>(2)</sup> OJ No L 152, 16. 6. 1990, p. 24.

COMMISSION REGULATION (EEC) No 1782/93  
of 5 July 1993

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 Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, and in particular Article 10 (5) and Article 11 (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(2)</sup>,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1680/93<sup>(3)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 July

1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1680/93 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 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 July 1993.

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

Done at Brussels, 5 July 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 159, 1. 7. 1993, p. 8.

## ANNEX

## to the Commission Regulation of 5 July 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries <sup>(*)</sup>
0709 90 60	134,13 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	134,13 <sup>(2)</sup> <sup>(3)</sup>
1001 10 00	154,91 <sup>(1)</sup> <sup>(3)</sup>
1001 90 91	132,99
1001 90 99	132,99 <sup>(4)</sup>
1002 00 00	136,81 <sup>(6)</sup>
1003 00 10	126,05
1003 00 20	126,05
1003 00 80	126,05 <sup>(4)</sup>
1004 00 00	80,70
1005 10 90	134,13 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	134,13 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	142,33 <sup>(4)</sup>
1008 10 00	32,31 <sup>(4)</sup>
1008 20 00	83,01 <sup>(4)</sup>
1008 30 00	36,38 <sup>(5)</sup>
1008 90 10	(7)
1008 90 90	36,38
1101 10 00	212,93 <sup>(4)</sup>
1102 10 00	220,54
1103 11 30	245,33
1103 11 50	245,33
1103 11 90	239,90
1107 10 11	247,60
1107 10 19	187,76
1107 10 91	235,25
1107 10 99	178,53
1107 20 00	206,26

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

(<sup>2</sup>) 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.

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

(<sup>4</sup>) 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.

(<sup>5</sup>) 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.

(<sup>6</sup>) 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 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

(<sup>8</sup>) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

(<sup>9</sup>) 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 1783/93**  
**of 5 July 1993**

**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 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(2)</sup>,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93<sup>(3)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 July

1993, as regards floating currencies, should be used to calculate the levies;

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 to be added to the levies fixed in advance for imports in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 July 1993.

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

Done at Brussels, 5 July 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 159, 1. 7. 1993, p. 111.

## ANNEX

to the Commission Regulation of 5 July 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	7	8	9	10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	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 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	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	1,10	1,10	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

*(ECU/tonne)*

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



**COMMISSION REGULATION (EEC) No 1784/93**  
**of 30 June 1993**  
**fixing the adjustment coefficients for aid for fibre flax**

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

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp <sup>(1)</sup>, as last amended by Regulation (EEC) No 1557/93 <sup>(2)</sup>, and in particular Article 4 (2) thereof,

Whereas Article 4 (2) of Regulation (EEC) No 1308/70 provides that the aid for flax granted to growers is to be differentiated by means of coefficients established on the basis of the average yield recorded in the homogeneous production areas for retted but not deseeded flax and for flax otherwise than retted but not deseeded during the 1987/88 to 1991/92 marketing years; whereas such differentiation may be carried out by means of the coefficients given in this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Without prejudice to paragraph 2, the coefficient for each production area, as set out in the Annex, shall be applied to the aid to be granted to growers of fibre flax.

This coefficient shall be applied to the aid referred to in Article 4 of Regulation (EEC) No 1308/70 minus, where applicable, the amount withheld as referred to in Article 2 of that Regulation, as well as reduced as a result of the monetary realignments.

2. For retted but not deseeded flax, the coefficients referred to in paragraph 1 shall be multiplied by 0,868.

3. For the purposes of this Regulation, 'retted but not deseeded flax' means fibre flax which:

- (a) after pulling, was left in the field for a period exceeding that required for drying;
- (b) shows at least two of the following characteristics:
  - dark brown or black colouring,
  - easily detachable seed capsules,
  - easier freeing of fibres than in the case of flax which after pulling has only remained in the field for the period required for drying; and
- (c) has not been subjected to any deseeding process.

*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 1993/94 marketing year.

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

Done at Brussels, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 146, 4. 7. 1970, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 26.

## ANNEX

## HOMOGENEOUS AREAS UNDER FIBRE FLAX AND THE APPLICABLE ADJUSTMENT COEFFICIENTS

Production area	Coefficient
<b>Zone I</b>	1,177
The following Dutch areas : IJsselmeerpolders, Droogmakerijen Noord-Holland and Noordelijk Kleigebied	
<b>Zone II</b>	1,127
1. Other areas of the Netherlands	
2. The following Belgian communes : Assenede, Beveren-Waas, Blankenberge, Bredene, Brugge, Damme, De Haan, De Panne, Diksmuide (not including Vladslu and Woumen), Gistel, Jabbeke, Knokke-Heist, Koksijde, Lo-Reninge, Middelkerke, Nieuwpoort, Oostende, Oudenburg, Sint-Gillis-Waas (only Meerdonk), Sint-Laureins, Veurne and Zuienkerke	
<b>Zone III</b>	0,997
1. Other areas of Belgium	
2. The following French areas :	
— the department of Nord,	
— the arrondissements of Béthune, Lens, Calais, Saint-Omer, and the canton of Marquise in the department of Pas-de-Calais,	
— the arrondissement of Saint-Quentin and Vervinsi in the department of Aisne,	
— the arrondissement of Charleville-Mézières in the department of Ardennes	
<b>Zone IV</b>	0,975
The Federal Republic of Germany	
<b>Zone V</b>	0,946
Areas of France other than those foreseen in Zone III	
<b>Zone VI</b>	0,869
Other areas of the Community	

## COMMISSION REGULATION (EEC) No 1785/93

of 30 June 1993

on the operative events for the agricultural conversion rates used in the fibre sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(1)</sup>, and in particular Article 6 (2) thereof,

Whereas the aid introduced by Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing<sup>(2)</sup>, as last amended by Regulation (EEC) No 2059/92<sup>(3)</sup>, is granted for boxes of eggs from which worms have successfully been reared; whereas, therefore, the event by which the economic objective has been attained can, on average, be deemed to have taken place on 1 August of each marketing year; whereas that date may therefore be taken as the operative event for the agricultural conversion rate applicable to aid for silkworms;

Whereas Commission Regulation (EEC) No 876/75 of 3 April 1975 defining the event in which the aid in respect of flax and hemp and of silkworms becomes due and payable<sup>(4)</sup>, Commission Regulation (EEC) No 1426/86 of 14 May 1986 determining the operative event for private storage aid for flax and hemp fibres<sup>(5)</sup> and Article 15 of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid cotton<sup>(6)</sup>, as last amended by Regulation (EEC) No 2328/92<sup>(7)</sup>, determine the operative events for the agricultural conversion rate on the basis of criteria and legal provisions which have been radically changed in the context of the new agrimonetary arrangements introduced by Regulation (EEC) No 3813/92; whereas Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates<sup>(8)</sup> establishes operative events for the agricultural conversion rates, particularly those applicable to the amounts in question, on the basis of the new provisions;

Whereas Article 10 (1) and (2) of Regulation (EEC) No 1068/93 provides for operative events for the minimum price and the aid for cotton to be those actually

specified in Article 15 of Regulation (EEC) No 1201/89; whereas, however, it is appropriate to indicate the possibility of fixing the agricultural conversion rates for the aid in advance;

Whereas Article 11 (1) of Regulation (EEC) No 1068/93 provides for the agricultural conversion rate valid at the beginning of the marketing year to be used for aid per hectare for flax and hemp; whereas Article 10 (3) of that Regulation provides that the operative event for private storage aid for flax and hemp fibres is to be the first day of the contract for each lot concerned; whereas, therefore, Regulations (EEC) No 876/75 and (EEC) No 1426/86 can be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The operative event giving rules to entitlement to aid for silkworms shall be deemed to take place on 1 August of the marketing year concerned.

*Article 2*

The following subparagraph is hereby added to Article 15 of Regulation (EEC) No 1201/89:

'However, the agricultural conversion rate for the aid may be fixed in advance subject to conditions referred to in Articles 13 to 17 of Commission Regulation (EEC) No 1068/93<sup>(\*)</sup>.

(\*) OJ No L 108, 1. 5. 1993, p. 106.'

*Article 3*

Regulations (EEC) No 876/75 and (EEC) No 1426/86 are hereby repealed.

*Article 4*

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 1993/94 marketing year.

(1) OJ No L 387, 31. 12. 1992, p. 1.

(2) OJ No L 100, 27. 4. 1972, p. 1.

(3) OJ No L 215, 30. 7. 1992, p. 19.

(4) OJ No L 84, 4. 4. 1975, p. 33.

(5) OJ No L 129, 15. 5. 1986, p. 20.

(6) OJ No L 123, 4. 5. 1989, p. 23.

(7) OJ No L 223, 8. 8. 1992, p. 15.

(8) OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 30 June 1993.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

---

COMMISSION REGULATION (EEC) No 1786/93  
of 30 June 1993

determining for the period 1 July 1993 to 28 February 1994 the quantities of raw sugar produced in the French overseas departments for which the refining aid specified in Council Regulation (EEC) No 2225/86 may be granted and amending Regulation (EEC) No 388/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1548/92 <sup>(2)</sup>, and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar <sup>(3)</sup>, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 states that aid is to be granted for raw sugar produced in the French overseas departments and refined in the European regions of the Community within the limits of quantities to be determined individually for each combination of region of destination and provenance; whereas these quantities are to be determined on the basis of a Community supply balance for raw sugar;

Whereas total production in the French department of Réunion in the 1993/94 marketing year will not be finally known until towards the end of January 1994; whereas, as a first step, however, distribution should be made of this quantity sufficient to permit supply of the refineries concerned during the period 1 July 1993 to 28 February 1994;

Whereas the quantity of raw sugar from Réunion available for refining in French refineries during the period 1 March to 30 June 1993 turns out to be slightly more than that fixed by the Commission Regulation (EEC) No 388/93 <sup>(4)</sup>; whereas the said quantity should accordingly be amended;

Whereas Commission Regulations (EEC) No 1730/92 <sup>(5)</sup> and (EEC) No 388/93 determined the quantities of raw sugar produced in the French overseas departments for

the 1992/93 marketing year on which the refining aid specified in Regulation (EEC) No 2225/86 could be granted; whereas not all these quantities could be refined in good time but as a working stock they will be eligible for the refining aid for 1993/94; whereas it should be specified that the refining aid is to be granted on these quantities against those set in the Annexes to Regulations (EEC) No 1730/92 and (EEC) No 388/93 for the 1992/93 marketing year;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities of sugar mentioned in Article 3 (2) of Regulation (EEC) No 2225/86 are set for the period 1 July 1993 to 28 February 1994 at the amounts shown in Annex I to this Regulation.

*Article 2*

Annex I to Regulation (EEC) No 388/93 shall be replaced by Annex II hereto.

*Article 3*

For raw sugar out of the quantities indicated in the Annex to Regulation (EEC) No 1730/92 and in Annex I to Regulation (EEC) No 388/93 that is refined from 1 July 1993 onwards, the refining aid valid for the 1993/94 marketing year pursuant to Article 3 of Regulation (EEC) No 2225/86 shall be applicable. The refined quantities in question shall be charged against the amounts stipulated in the Annex to Regulation (EEC) No 1730/92 and in Annex I to Regulation (EEC) No 388/93 for the 1992/93 marketing year.

*Article 4*

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

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 10.

<sup>(3)</sup> OJ No L 194, 17. 7. 1986, p. 7.

<sup>(4)</sup> OJ No L 45, 23. 2. 1993, p. 5.

<sup>(5)</sup> OJ No L 179, 1. 7. 1992, p. 112.

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

Done at Brussels, 30 June 1993.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

*ANNEX I*

**Quantities of raw cane sugar, expressed as white sugar equivalent (1 000 tonnes)**

(Period from 1 July 1993 to 28 February 1994)

From the French overseas departments	For refining in			
	Metropolitan France	Portugal	United Kingdom	Other regions of the Community
1. Réunion	170	0	7	0
2. Guadeloupe and Martinique	0	11	0	0

*ANNEX II*

*ANNEX I*

**Quantities of raw cane sugar, expressed as white sugar equivalent (1 000 tonnes)**

(Period from 1 March 1993 to 30 June 1993)

From the French overseas departments	For refining in			
	Metropolitan France	Portugal	United Kingdom	Other regions of the Community
1. Réunion	8	0	0	0
2. Guadeloupe and Martinique	42	0	0	0

**COMMISSION REGULATION (EEC) No 1787/93**  
of 30 June 1993

**amending Annex II to Regulation (EEC) No 3578/86 with regard to the conversion factors to be applied to the buying-in prices for fruit and vegetables with respect to tomatoes**

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 638/93<sup>(2)</sup>, and in particular Article 16 (4) thereof,

Whereas Annex II to Commission Regulation (EEC) No 3587/86<sup>(3)</sup>, as last amended by Regulation (EEC) No 1201/93<sup>(4)</sup>, fixes the conversion factors to be applied to the buying-in prices for tomatoes with characteristics different to those used to fix the basic prices;

Whereas under the terms of the abovementioned Annex, provision is made for different coefficients corresponding to the different weights of fresh tomatoes after packaging for the purpose of calculating the buying-in and withdrawal prices; whereas observations of current marketing practices shows that tomatoes intended for consumption in the fresh state are generally put up in packages of 7 kg; whereas, therefore, it is appropriate to maintain a factor 1 for this type of packaging only; whereas it is therefore sufficient to apply to such packaging a factor of 0,70; whereas, lastly, packages in excess of 15 kg or products loose in a means of transport are significantly less costly than the two previous types; whereas, therefore a coefficient of 0,45 is appropriate;

Whereas, in application of Regulation (EEC) No 1289/93<sup>(5)</sup>, as amended by Commission Regulation (EEC) No 1334/93<sup>(6)</sup>, the intervention arrangements apply from 11 June 1993; whereas provision should be

made for the new coefficients to apply as soon as possible;

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EEC) No 3587/86 is hereby amended as follows:

(d) 'form of packaging' is replaced by the following:

'(d) form of packaging:

- |   |       |
|---|-------|
| — packaged, maximum 7 kg net                            | 1,0   |
| — packaged, more than 7 kg but equal or less than 15 kg | 0,70. |

For August and September only, in accordance with Article 15 (3) of Regulation (EEC) No 1035/72

- |  |        |
|--|--------|
| — packaged, more than 15 kg or loose in a means of transport | 0,45'. |
|--|--------|

*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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 69, 20. 3. 1993, p. 7.

<sup>(3)</sup> OJ No L 334, 27. 11. 1986, p. 1.

<sup>(4)</sup> OJ No L 122, 18. 5. 1993, p. 29.

<sup>(5)</sup> OJ No L 132, 29. 5. 1993, p. 3.

<sup>(6)</sup> OJ No L 132, 29. 5. 1993, p. 120.

## COMMISSION REGULATION (EEC) No 1788/93

of 30 June 1993

amending Regulation (EEC) No 2177/92 laying down detailed rules for the application of the specific supply arrangements for the Azores, Madeira and the Canary Islands with regard to sugar

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 3714/92<sup>(2)</sup>, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products<sup>(3)</sup>, and in particular Articles 3 (4) and 7 (2) thereof,

Whereas pursuant to Article 2 of Regulations (EEC) No 1600/92 and (EEC) No 1601/92, Commission Regulation (EEC) No 2177/92<sup>(4)</sup>, as amended by Regulation (EEC) No 821/93<sup>(5)</sup>, sets the forecast supply balance with sugar to the Azores, Madeira and the Canary Islands for the 1992/93 marketing year; whereas pursuant to the said

Article 2 and on the basis of the forecasts the supply balance for the 1993/94 marketing year under the arrangements should now be set;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 2177/92 is hereby replaced for the 1993/94 marketing year by the Annex to this Regulation.

*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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 1.

<sup>(2)</sup> OJ No L 378, 23. 12. 1992, p. 23.

<sup>(3)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(4)</sup> OJ No L 217, 31. 7. 1992, p. 71.

<sup>(5)</sup> OJ No L 85, 6. 4. 1993, p. 16.



*ANNEX*

**Quantities of sugar expressed in terms of tonnes of white sugar, referred to in Article 1 of this Regulation for the 1993/94 marketing year**

Region	Quantity
Azores	7 000
Madeira	10 000
Canary Islands	60 000

## COMMISSION REGULATION (EEC) No 1789/93

of 30 June 1993

opening an invitation to tender for the sale for export of baled tobacco held by the Greek and Italian intervention agencies

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 860/92 <sup>(2)</sup>, and in particular Article 7 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy <sup>(3)</sup>, and in particular Article 6 (2) thereof,

Whereas Commission Regulation (EEC) No 3389/73 <sup>(4)</sup>, as last amended by Regulation (EEC) No 395/90 <sup>(5)</sup>, lays down the procedure and conditions for the sale of tobacco held by intervention agencies; whereas Article 5 (1) fixes the amount of the security applicable; whereas account should be taken of the trend since then as regards the market and export refunds;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the cost of storage, an invitation to tender should be opened for the sale of the tobacco for export, without refund;

Whereas payment for all the lots is made before the tobacco is taken over; whereas it should be laid down that, at the request of the successful tenderer, the security is to be released progressively as the quantities of tobacco removed are exported;

Whereas experience has shown that a short time limit can be set and whereas there should therefore be a derogation from Article 3 of Regulation (EEC) No 3389/73 as regards the time limit of 45 days between the date of publication of the notice in the *Official Journal of the European Communities* and the date fixed for the submission of tenders, which should be reduced to 20 days;

Whereas, in view of the special features of the tobacco sector, the operative events for the conversion rates should be the payment of the purchase price in the case of successful tenders and the publication of the notice of invitation to tender in the case of securities; whereas,

therefore, there should be a derogation from Articles 10 (1) and 12 (4) of Commission Regulation (EEC) No 1068/93 <sup>(6)</sup> notwithstanding the advance fixing of the rate for the payment of the purchase price in accordance with Articles 13 to 17 of the said Regulation;

Whereas the time limits for the successful tenderer to take over and export the tobacco should be fixed, having regard in particular to the quantities involved, experience gained and the requirements of sound financial management;

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*

Eighteen lots of baled tobacco from the 1989 and 1990 harvest, held by the Greek and Italian intervention agencies, with a total weight of about 8 734 tonnes, broken down as shown in the Annex hereto, shall be sold for export. The quantity on sale shall be specified in the notice of invitation to tender.

The Commission shall give notice of the sale of the lots in the notice of invitation to tender to be published in the *Official Journal of the European Communities*, C series.

*Article 2*

The sale shall take place in accordance with the tendering procedure laid down in Regulation (EEC) No 3389/73, subject to the provisions of this Regulation.

*Article 3*

The time limit for the submission of tenders at the headquarters of the Commission of the European Communities shall be indicated in the notice of invitation to tender.

Notwithstanding Article 3 of Regulation (EEC) No 3389/73, the notice of invitation to tender may be published in the *Official Journal of the European Communities* at least 20 days before the date fixed for the submission of tenders.

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(2)</sup> OJ No L 91, 7. 4. 1992, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 345, 15. 12. 1973, p. 47.

<sup>(5)</sup> OJ No L 42, 16. 2. 1990, p. 46.

<sup>(6)</sup> OJ No L 108, 1. 5. 1993, p. 106.

*Article 4*

The time limit referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for the successful tenderer to take over the entire quantity of tobacco shall be the end of the third month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*.

*Article 5*

1. The security referred to in Article 5 of Regulation (EEC) No 3389/73 must be lodged, for the tobacco stored in Greece, with and in the name of the Diethinsis Diachirisis Agoron Georgikon Proionton (DIDAGEP), Acharnon 241, GR-10438 Athens, and, for the tobacco stored in Italy, with and in the name of Azienda di Stato per gli interventi nel mercato agricolo, Ufficio Centrale per il tabacco (AIMA), via Farini 5, I-00185 Rome (Italy).

2. The Commission shall inform the relevant intervention agency forthwith of the result of the tendering procedure. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 of the said Regulation has been furnished.

*Article 6*

Notwithstanding Article 4 (2) of Regulation (EEC) No 3389/73, the price per kilogram of tobacco tendered must be expressed in ecus per kilogram.

Notwithstanding the first sentence of Article 5 (1) of Regulation (EEC) No 3389/73, the amount of the security shall be ECU 0,7 per kilogram of baled tobacco.

*Article 7*

Notwithstanding Articles 10 (1) and 12 (4) of Regulation (EEC) No 1068/93, the operative event for the agricultural conversion rate applied shall be:

- for the payment for successful tenders: payment of the purchase price,
- for the amount of the security: the publication of the notice of invitation to tender in the *Official Journal of the European Communities*.

Take-over may be staggered.

*Article 8*

Notwithstanding Article 10a (1) of Regulation (EEC) No 3389/73, the customs export declaration must have been accepted within 12 months of the time limit fixed in Article 4.

*Article 9*

This Regulation shall enter into force on the seventh 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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

## ANNEX

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Basmas	1989	DIDAGEP	572 932
2	Basmas	1990	DIDAGEP	459 378
3	Katerini	1990	DIDAGEP	259 311
4	Kaba Koulak Classic	1990	DIDAGEP	117 278
	Elasonna	1990	DIDAGEP	59 715
	Kaba Koulak non Classic	1990	DIDAGEP	24 467
5	Tsebelia	1990	DIDAGEP	1 073 259
6	Mavra	1990	DIDAGEP	634 336
7	Basmas	1990	DIDAGEP	408 557
8	Katerini	1990	DIDAGEP	377 988
9	Elasonna	1990	DIDAGEP	232 978
	Zichnomyrodata	1990	DIDAGEP	17 792
	Kaba Koulak Classic	1990	DIDAGEP	313 553
	Myrodata d'Agrinion	1990	DIDAGEP	8 939
10	Mavra	1989	DIDAGEP	168
	Mavra	1990	DIDAGEP	121 839
11	Basmas	1990	DIDAGEP	184 454
12	Basmas	1990	DIDAGEP	530 989
13	Tsebelia	1990	DIDAGEP	332 707
14	Forchheimer Havanna	1990	AIMA	716 902
15	Badischer Burley	1990	AIMA	88 810
	Kentucky	1990	AIMA	91 676
16	Katerini	1990	AIMA	29 607
	Tsebelia	1990	AIMA	720 090
17	Tsebelia	1990	AIMA	1 019 262
18	Mavra	1990	AIMA	337 218

## COMMISSION REGULATION (EEC) No 1790/93

of 30 June 1993

fixing the penalties applicable to durum wheat producers excluded from production aid in 1992/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops <sup>(1)</sup>, as last amended by Regulation (EEC) No 364/93 <sup>(2)</sup>, and in particular Article 16 thereof,

Whereas Commission Regulation (EEC) No 1738/89 of 19 June 1989 laying down detailed rules on production aid for durum wheat <sup>(3)</sup>, as last amended by Regulation (EEC) No 1244/91 <sup>(4)</sup>, lays down the penalties applicable in the event of a discrepancy between the areas in respect of which aid is applied for and those resulting from a check by the competent authorities; whereas, in certain cases, the effect of the penalties is to exclude the applicant from aid in respect of the marketing year during which the discrepancy is recorded and in respect of the following marketing year;

Whereas from the commencement of the 1993/94 marketing year the system of production aid for durum wheat is replaced by the system of supplementary compensatory payments as provided for in Article 4 of Regulation (EEC) No 1765/92, the amount of which is based on that of the former production aid increased by an amount intended to compensate for the alignment of the intervention price for durum wheat on that for common wheat; whereas, in order to prevent an increase in the severity of the penalty

with regard to the situation existing at the time of its application, the penalty for the 1993/94 marketing year resulting from application of Regulation (EEC) No 1738/89 should be in the form of a reduction in the supplementary compensatory payment by an amount representing the production aid which would have been granted in 1993/94 in the absence of any changes;

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*

Exclusion from the production aid for durum wheat for the 1993/94 marketing year pursuant to the last subparagraph of Article 8 (2) of Regulation (EEC) No 1738/89 shall be in the form of a reduction of ECU 181,88 per hectare in the supplementary compensatory payment provided for in Article 4 (3) of Regulation (EEC) No 1765/92.

*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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ No L 42, 19. 2. 1993, p. 3.

<sup>(3)</sup> OJ No L 171, 20. 6. 1989, p. 31.

<sup>(4)</sup> OJ No L 119, 14. 5. 1991, p. 24.

COMMISSION REGULATION (EEC) No 1791/93  
of 30 June 1993

amending Regulation (EEC) No 3664/91 laying down transitional measures for  
aromatized wines, aromatized wine-based drinks and aromatized wine-product  
cocktails

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

Having regard to Council Regulation (EEC) No 1601/91  
of 10 June 1991 laying down general rules on the defini-  
tion, description and presentation of aromatized wines,  
aromatized wine-based drinks and aromatized wine-  
product cocktails <sup>(1)</sup>, as amended by Regulation (EEC)  
No 3279/92 <sup>(2)</sup> and in particular Article 16 thereof,

Whereas Commission Regulation (EEC) No 3664/91 <sup>(3)</sup>,  
as last amended by Regulation (EEC) No 3568/92 <sup>(4)</sup>, lays  
down transitional measures for aromatized wines, aroma-  
tized wine-based drinks and aromatized wine-product  
cocktails;

Whereas the final date of 30 June 1993 laid down for  
completing the preparation of certain products covered by  
Regulation (EEC) No 1601/91 and for the first stage of  
the marketing thereof in a presentation complying with  
the provisions in force before 17 December 1991 should  
be extended pending the results of an in-depth technical  
examination relating to the use of certain substances or  
concerning certain preparations for a number of beverages  
covered by the abovementioned Regulation;

Whereas, pending the results of an in-depth examination  
of the problems outstanding, the date of adoption of the

detailed rules of application and the date for a decision on  
possible derogations, both of which are set at 30 June  
1993, should be deferred;

Whereas the measures provided for in this Regulation are  
in accordance with the Opinion of the Implementation  
Committee for Aromatized Wines, Aromatized Wine-  
Based Drinks and Aromatized Wine-Product Cocktails,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3664/91 is hereby amended as  
follows:

1. In Article 1 (5), '30 June 1993' is replaced by  
'16 December 1993'.
2. In Article 2 (1) and (2), '30 June 1993' is replaced by  
'16 December 1993'.

*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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 149, 14. 6. 1991, p. 1.

<sup>(2)</sup> OJ No L 327, 13. 11. 1992, p. 1.

<sup>(3)</sup> OJ No L 348, 17. 12. 1991, p. 53.

<sup>(4)</sup> OJ No L 362, 11. 12. 1992, p. 47.

## COMMISSION REGULATION (EEC) No 1792/93

of 30 June 1993

amending Regulation (EEC) No 3900/92 laying down the special rules of application for the Community import arrangements for certain species of preserved tuna, bonito and sardines and fixing the quantities of those products which may be imported during 1993 and laying down special rules for issuing import documents

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products<sup>(1)</sup>, as amended by Regulation (EEC) No 697/93<sup>(2)</sup>, and in particular Article 21 (5) thereof,

Whereas Commission Regulation (EEC) No 3900/92<sup>(3)</sup> fixes the maximum quantities of preserved products manufactured from certain species of tuna and bonito which may be imported into the Community in 1993 at 74 100 tonnes;

Whereas the Federal Republic of Germany subsequently notified the Commission of a correction to the quantities of the products concerned imported in 1991, which is the reference year for the purposes of calculating quantities which may be imported; whereas that correction involves an increase of 1 164 tonnes;

Whereas, as a consequence, the quantities of the products concerned authorized for import in 1993 should also be adjusted proportionately, after the correction has been made by applying the rate of increase in accordance with the method laid down in Article 21 (2) of Regulation (EEC) No 3759/92 and Regulation (EEC) No 3900/92 should be amended accordingly;

Whereas the increase in the quantities available enables rights to import to be reopened for the operators referred to in Article 3 (1) (b) of Regulation (EEC) No 3900/92; whereas, however, given the small quantities available for those operators, special rules for allocating them should be laid down by way of an exception;

Whereas the Management Committee for Fishery Products could not express an opinion as regards the measures provided for in this Regulation within the time required by its President,

HAS ADOPTED THIS REGULATION:

*Article 1*

The figure '74 100' in the column headed 'Quantity' in Article 1 (2) of Regulation (EEC) No 3900/92 is hereby replaced by '75 500'.

*Article 2*

Applications for import documents in respect of Article 3 (1) (b) of Regulation (EEC) No 3900/92 may cover 15 tonnes per application and a total of 210 tonnes.

Notwithstanding Article 4 (2) of Regulation (EEC) No 3900/92, where quantities applied for exceed the quantity available, the Commission shall, in accordance with Article 4 (1) of Regulation (EEC) No 3900/92, make a selection of applications received that day by drawing lots and shall suspend the right of Member States to issue import documents against subsequent applications.

To that end, the competent national authorities shall forward to the Commission a list of the names of operators who have submitted applications.

*Article 3*

This Regulation shall enter into force seven days after 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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 388, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 76, 30. 3. 1993, p. 12.

<sup>(3)</sup> OJ No L 392, 31. 12. 1992, p. 26.

**COMMISSION REGULATION (EEC) No 1793/93**  
of 30 June 1993  
regarding the operative event for the agricultural conversion rates used in the  
hops sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(1)</sup>, and in particular Article 6 (2) thereof,

Whereas the said introduced by Article 12 of Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops<sup>(2)</sup>, as last amended by Regulation (EEC) No 3124/92<sup>(3)</sup>, may be granted in respect of hops products in the Community;

Whereas there is no marketing year for hops; whereas, therefore, a derogation should be provided from Article 11 (1) of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates<sup>(4)</sup>;

Whereas Commission Regulation (EEC) No 2540/75 of 6 October 1975 defining the event in which the payment of aid to hop growers becomes due and payable<sup>(5)</sup> defines the operative event for the agricultural conversion rate to be used for the payment of the aid as the date of adoption by the Council of the Regulation fixing the amount of aid to growers in respect of the previous year's harvest; whereas the date of the operative event for the agricultural

conversion rate applicable to the aid to hop growers should be 1 July of the year of entry into force of the Council Regulation fixing the amount of the aid; whereas, therefore, Regulation (EEC) No 2540/75 should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The agricultural conversion rate to be applied for the purposes of the aid provided for in Article 12 of Regulation (EEC) No 1696/71 shall be the rate in force on 1 July of the year in which the Regulation fixing the amount of the aid to growers enters into force.

*Article 2*

Regulation (EEC) No 2540/75 is hereby repealed.

*Article 3*

This Regulation shall enter into force on the seventh 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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(3)</sup> OJ No L 313, 30. 10. 1992, p. 1.

<sup>(4)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(5)</sup> OJ No L 259, 7. 10. 1975, p. 9.



**COMMISSION REGULATION (EEC) No 1794/93**

of 30 June 1993

**laying down detailed rules for the application of production aid for processed tomato products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 668/93 of 17 March 1993 on the introduction of a limit to the granting of production aid for processed tomato products<sup>(1)</sup>, and in particular Article 3 thereof,

Whereas Article 1 of Regulation (EEC) No 668/93 lays down rules for the allocation among the various undertakings concerned of the quantity of fresh tomatoes to be processed into tomato products attracting the production aid; whereas the conditions under which the undertakings may qualify for such allocation, and in particular the communications required for that purpose, should be specified; whereas Article 2 of Regulation (EEC) No 668/93 lays down that for the first three marketing years of application the quantities produced in the 1992/93 marketing year are not to be taken into account for calculating the average quantities produced and and whereas that provision will have to apply to all the undertakings concerned until the 1995/96 marketing year;

Whereas the competent authorities allocate to each processing undertaking the quantities of fresh tomatoes which may be used for the manufacture of finished products attracting aid; whereas the allocation must be based on the particulars communicated by the undertakings; whereas, in cases where doubt exists as to the accuracy of the particulars received, the competent authorities should be authorized to defer the allocation until such doubt is resolved;

Whereas the result of allocating specific quantities to each undertaking is that the payment of production aid is limited to a fixed quantity; whereas the aim of the aid system is respected if a quantity allocated to an undertaking can be transferred to another undertaking; whereas such a possibility confers flexibility on the undertakings; whereas the competent authorities should be authorized to allow transfer of the right deriving from an allocation where this is possible without unfavourable consequences for the production aid system;

Whereas an undertaking may, during the marketing year, apply for only one adjustment to the distribution of its quota among the finished products; whereas a time limit for making use of this option should be fixed;

Whereas for tomato concentrate only one rate of aid is applicable; whereas for preserved whole peeled tomatoes and for other tomato-based products two or more rates are applicable;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

From the 1993/94 marketing year the allocation referred to in Article 1 (2) and (3) of Regulation (EEC) No 668/93 and notwithstanding Article 2 thereof shall be made at the beginning of each marketing year among processing undertakings :

- (a) having complied with Article 2 of Commission Regulation (EEC) No 1558/91<sup>(2)</sup>; and
- (b) having submitted applications for production aid for the three marketing years preceding that for which the aid is fixed, or for one or two of those years; or
- (c) having commenced their activities during one of the three marketing years preceding that for which the aid is fixed and having communicated to the competent authorities the quantities of finished products obtained without having presented a request for aid; or
- (d) commencing their activities during the marketing year for which the aid is fixed.

*Article 2*

1. The processing undertakings referred to in Article 1 (b) shall communicate to the competent authorities :
  - (a) the quantity of fresh tomatoes used during one, two or three marketing years as the case may be;
  - (b) the quantity of processed products obtained from the quantity referred to in (a) broken down into two groups, according to whether production aid was granted or not.

<sup>(1)</sup> OJ No L 72, 25. 3. 1993, p. 1.

<sup>(2)</sup> OJ No L 144, 8. 6. 1991, p. 31.

The processed products shall be broken down into :

- tomato concentrate, expressed as concentrate with a dry weight content of 28 % or more but less than 30 %,
- preserved whole peeled tomatoes,
- other tomato-based products.

The quantity of fresh tomatoes used shall be given for each group of finished products, broken down according to whether production aid was received or not.

2. The processing undertakings referred to in Article 1 (c) shall communicate to the competent authorities :

- (a) the quantity of fresh tomatoes used during each of those marketing years ;
- (b) the quantity of processed products obtained from the quantity referred to in (a) broken down according to the three groups of finished products, and which would have been eligible for production aid.

3. The processing undertakings referred to in Article 1 (d) shall communicate to the competent authorities their production capacity and the quantity of processed products they have planned to produce. The products shall be broken down as provided for in the second subparagraph of paragraph 1.

4. Where the competent authorities of a Member State are already in possession of all the particulars needed in order to make the allocation provided for in Articles 1 and 2 of Regulation (EEC) No 668/93, they may decide that the particulars referred to in paragraph 1 need not be communicated.

#### *Article 3*

1. The communications referred to in Article 2 must reach the competent authorities not later than 30 June of each year.

2. Member States may, in exceptional cases and where there is good reason for doing so, accept communications after the time limit laid down in paragraph 1, provided this does not lead to the quantities fixed in Article 1 of Regulation (EEC) No 668/93 being exceeded.

#### *Article 4*

1. On the basis of the communications provided for in Article 2, competent authorities shall allocate a specific quantity of fresh tomatoes to each processing undertaking.

This quantity shall be broken down into tomatoes intended for manufacture of :

- tomato concentrate,
- preserved whole peeled tomatoes,
- other tomato-based products.

2. In cases of proven or suspected irregularities and where administrative or legal inquiries have been commenced concerning entitlement to aid, the competent authority may refuse to allocate the quantity in dispute until the dispute has been resolved.

3. Where undertakings change hands, and in particular in cases of mergers, Member States may authorize transfer of the rights deriving from the allocation referred to in paragraph 1 among processing undertakings operating in the same Member State, provided that this can be done without unfavourable consequences for the production-aid system.

Such transfer shall be authorized only when it is requested before the date laid down for the submission of applications for production aid.

4. Where a Member State establishes that the total quantity allocated to its processing undertakings has not been the subject of preliminary contracts as provided for in Article 5 of Regulation (EEC) No 1558/91 or processing contracts as provided for in Article 6 thereof, for a given marketing year, that Member State may decide to allocate the unused quantity among processing undertakings that are prepared to conclude additional processing contracts for that quantity. Such additional allocations of fresh tomatoes shall have effect only for the marketing year involved.

Member States may allocate the additional quantities not later than 15 August each year. Notification of the recipient undertakings by the competent authority of the decision to make an additional allocation shall release those undertakings from the obligation to conclude the abovementioned preliminary contracts for the quantities thus redistributed for the purposes of the aid. Such additional processing contracts shall be concluded not later than 31 August.

#### *Article 5*

An undertaking may, not later than 30 September, request from the competent authorities of the Member State authorization to carry out the transfer referred to in Article 1 (2) of Regulation (EEC) No 668/93.

The authorization notification sent to the undertaking shall specify the new breakdown for the undertaking of the quotas of fresh tomatoes by the three groups of finished products.

#### *Article 6*

The undertaking may not exceed the quantities of processed products resulting from the total quantity of fresh tomatoes allocated before the quantities allocated for processing have been used up.

*Article 7*

Member States shall take all necessary steps to ensure that :

- the overall quantity for the Member State concerned provided for in Article 1 (1) of Regulation (EEC) No 668/93 is not exceeded,
- the quantity referred to above is allocated fairly among the undertakings.

*Article 8*

1. Processing undertakings shall, in addition to the information required pursuant to Article 4 (e) of Regulation (EEC) No 1558/91 and before the date stipulated in that Article, communicate to the designated agency :

- (a) the quantity of fresh tomatoes purchased or to be purchased during the current marketing year and used or to be used for processing into finished products for which no aid is or will be claimed. The products shall be broken down by category of finished product to be obtained ;
- (b) the quantity of finished products obtained or estimated to be obtained from the quantity referred to in (a). The products shall be broken down in accordance with the last subparagraph of Article 4 (e) of Regulation (EEC) No 1558/91.

2. The aid application shall, in addition to the documents provided for in Article 14 (2) of Regulation (EEC) No 1558/91, be accompanied by a declaration in which the processing undertaking indicates :

- (a) the net weight of the finished products produced during the current marketing year for which no aid is

applicable. The products shall be broken down in the same way as products attracting aid ;

- (b) the net weight of the raw material used for processing into each of the finished products referred to in (a).

*Article 9*

In addition to the information referred to in Article 18 of Regulation (EEC) No 1558/91, each Member State shall notify the Commission :

- (a) not later than 1 April each year of :
  - (i) the total quantity, expressed as net weight, of finished products as referred to in Article 8 (2) (a). The products shall be broken down as provided for in Article 18 (a) of Regulation (EEC) No 1558/91 ;
  - (ii) the total quantity of raw material used for processing into each group of finished products as referred to in (i) ;
- (b) not later than 16 November each year of :
  - (i) the total quantity of fresh products as referred to in Article 8 (1) (a) used or to be used for processing. The products shall be broken down by reference to the finished products to be obtained ;
  - (ii) the estimated production of finished products, expressed as net weight to be obtained from the quantity referred to in (i). The products shall be broken down as provided for in Article 18 (d) (ii) of Regulation (EEC) No 1558/91.

*Article 10*

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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 1795/93

of 30 June 1993

on the issue of a standing invitation to tender for the resale on the internal market of 150 000 tonnes of durum wheat held by the Italian intervention agency with a view to its processing in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92<sup>(2)</sup>, and in particular Article 7 (6) thereof,

1. The Italian intervention agency shall issue a standing invitation to tender for the disposal on the internal market of 150 000 tonnes of durum wheat with a view to its processing in Belgium, Denmark, Germany, France, Ireland, Luxembourg, the Netherlands and the United Kingdom.

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals<sup>(3)</sup>, as last amended by Regulation (EEC) No 2203/90<sup>(4)</sup>, lays down that cereals held by the intervention agency are to be sold by tender;

2. Without prejudice to the provisions of Regulation (EEC) No 1836/82, and in particular the second subparagraph of Article 13 (4) thereof, the following special rules shall apply to the present invitation to tender :

Whereas Article 4 of Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies<sup>(5)</sup>, as last amended by Regulation (EEC) No 966/93<sup>(6)</sup>, provides for the possibility of restricting the use and/or destination of the cereals sold;

— tenderers shall undertake to process the quantities of durum wheat in the Member States referred to in paragraph 1,

— processing must be carried out by 31 October 1993 at the latest, except in cases of *force majeure*,

Whereas, in view of the present shortage of durum wheat, a standing invitation to tender should be issued for the resale on the internal market of 150 000 tonnes of durum wheat held by the Italian intervention agency with a view to its processing in the Community's northern Member States;

— a security of ECU 50 per tonne shall be lodged by the successful tenderer with the Italian intervention agency to ensure that the conditions laid down in the first and second indents are complied with. The security shall be lodged at the latest two working days following the day on which the statement of the award of contract was received,

— the minimum resale price to be observed shall be ECU 175 per tonne.

Whereas, moreover, as regards verification, the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention<sup>(7)</sup>, as last amended by Regulation (EEC) No 642/93<sup>(8)</sup>, are applicable;

*Article 2*

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

1. The obligations referred to in the first and second indents of Article 1 (2) shall be considered as primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85<sup>(9)</sup>. They shall be considered as having been fulfilled only if the successful tenderer provides proof to that effect.

2. Proof that the cereals referred to in this Regulation have been processed in the Member States referred to in Article 1 shall be furnished in accordance with Regulation (EEC) No 3002/92.

Processing shall be deemed to have taken place when the durum wheat is delivered to a storehouse located in one of the Member States referred to in Article 1.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 139, 24. 5. 1986, p. 36.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 5.

<sup>(5)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(6)</sup> OJ No L 98, 24. 4. 1992, p. 25.

<sup>(7)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(8)</sup> OJ No L 69, 20. 3. 1993, p. 14.

<sup>(9)</sup> OJ No L 205, 3. 8. 1985, p. 5.

*Article 3*

Apart from the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T 5 control copy must contain one or more of the following:

Destinados a la transformación [Reglamento (CEE) n° 1795/93]

Til forarbejdning (forordning (EØF) nr. 1795/93)

Zur Verarbeitung bestimmt (Verordnung (EWG) Nr. 1795/93]

Προοριζόμενο για μεταποίηση [κανονισμός (ΕΟΚ) αριθ. 1795/93]

For processing (Regulation (EEC) No 1795/93)

Destinées à la transformation [règlement (CEE) n° 1795/93]

Destinate alla trasformazione [regolamento (CEE) n. 1795/93]

Bestemd om te worden verwerkt (Verordening (EEG) nr. 1795/93)

Destinadas à transformação [Reglamento (CEE) n° 1795/93].

*Article 4*

1. The closing date for the submission of tenders for the first partial invitation to tender is hereby fixed at 1 July 1993.

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

Done at Brussels, 30 June 1993.

2. The closing date for the last partial invitation to tender shall be 29 July 1993.

3. Tenders must be lodged with the Italian intervention agency.

Azienda di Stato per gli interventi nel mercato agricolo (AIMA),  
via Palestro 81,  
I-00100 Roma  
(telex : 620331 - tel. 47 49 91).

*Article 5*

The Italian intervention agency shall communicate to the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, the quantity and the average prices of the various lots sold.

*Article 6*

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

*For the Commission*

René STEICHEN

*Member of the Commission*

**COMMISSION REGULATION (EEC) No 1796/93**  
**of 30 June 1993**  
**on the application of the system of import licences for cherries from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 638/93<sup>(2)</sup>, and in particular Article 22b thereof,

Whereas Article 22b of Regulation (EEC) No 1035/72 provides for the possibility of introducing a system of import licences for certain products which prove to be sensitive and which are imported in relatively substantial quantities;

Whereas traditional import flows of cherries are rising sharply and as a consequence measures should be adopted for imports of that product to be monitored closely;

Whereas the most suitable means of achieving that objective is to introduce a system of import licences requiring a certain period to elapse between the time the application is submitted and the licence is actually issued and entailing the lodging of a security in line with the value of the product in order to ensure compliance by operators with their obligations; whereas the term of validity of licences must take account of the features of the market for the product concerned;

Whereas Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(3)</sup>, as last amended by Regulation (EEC) No 2101/92<sup>(4)</sup>, should apply;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Cherries (CN codes 0809 20 20, 0809 20 40, 0809 20 60 and 0809 20 80) shall be released for free circulation in

the Community subject to the presentation of import licences issued by the Member States concerned to all parties concerned who apply therefor, whatever their place of establishment in the Community, in accordance with Articles 2 and 3.

*Article 2*

1. Import licences shall be issued subject to the lodging of a security of ECU 0,4 per 100 kg net weight. The security shall be forfeited in full or in part if the quantities stipulated in the licence are not released for free circulation or only part thereof is released during the term of validity of the licence.

2. Import licences shall be valid for five days from their date of issue as defined in Article 3 (2).

*Article 3*

1. Section 8 of import licence applications and import licences shall show the country of origin of the product. Import licences shall only be valid for products originating in the country shown in Section 8 thereof.

2. Import licences shall be issued on the third working day following the day on which the application is lodged unless measures are taken within that time.

However, import licences applied for by or on the third working day following the date of entry into force of this Regulation shall be issued forthwith.

*Article 4*

The Member States shall notify the Commission of:

1. the quantities covered by import licence applications in respect of the CN code concerned, broken down by country of origin.

That information shall be notified as follows:

- every Wednesday, in respect of applications lodged on the Monday or Tuesday of that week,
- every Friday, in respect of applications lodged on the Wednesday or Thursday of that week,
- every Monday, in respect of applications lodged on the Friday of the preceding week;

2. the quantities covered by unused or partly used import licences, corresponding to the differences between the quantities entered on the back of the licences and the quantities for which they were issued.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 69, 20. 3. 1993, p. 7.

<sup>(3)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 210, 25. 7. 1992, p. 18.

That information shall be notified every Wednesday, in respect of data received the previous week.

2, the Member State in question shall notify the Commission thereof on the days indicated in this Article.

*Article 5*

If no import licence applications have been submitted in one of the periods referred in point 1 or if there are no unused or partly-used licences as referred to in point

This Regulation shall enter into force on the seventh day following this 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, 30 June 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

---

## COMMISSION REGULATION (EEC) No 1797/93

of 2 July 1993

concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

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

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

Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished<sup>(3)</sup>, as amended by Regulation (EEC) No 927/93<sup>(4)</sup>, provides for common sole quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VIIa by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1993; whereas Belgium has prohibited fishing for this

stock as from 27 June 1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of common sole in the waters of ICES division VIIa by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1993.

Fishing for common sole in the waters of ICES division VIIa by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply with effect from 27 June 1993.

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

Done at Brussels, 2 July 1993.

*For the Commission*

Yannis PALEOKRASSAS

*Member of the Commission*

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 397, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 96, 22. 4. 1993, p. 1.



**COMMISSION REGULATION (EEC) No 1798/93**

of 5 July 1993

**on the application of a minimum import price for certain soft fruits originating in Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1333/92 of 18 May 1992 on the system of minimum import prices for certain soft fruits originating in Hungary, Poland and Czechoslovakia<sup>(1)</sup>, and in particular Article 2 thereof,

Whereas Article 4 of Commission Regulation (EEC) No 1349/93 of 1 June 1993 laying down detailed rules for the application of the minimum import price system for certain soft fruits originating in Hungary, Poland, the Czech Republic and Slovakia and fixing the minimum import prices applicable until 31 May 1994<sup>(2)</sup>, as amended by Regulation (EEC) No 1594/93<sup>(3)</sup> provides that the Commission is to adopt any necessary measures if certain criteria are not complied with; whereas, on the basis of information received by the Commission relating to a two-week period, it is clear that, bearing in mind the quantities imported and the import price, one of the criteria is not being complied with in respect of certain soft fruit in originating in Poland; whereas, as a matter of urgency, countervailing charges should therefore be implemented immediately for a period of two months,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge is hereby introduced on imports into the Community of the products listed in the Annex hereto originating in Poland, equal to the difference between the minimum import price is fixed in the Annex to Regulation (EEC) No 1349/93 and the actual import price.

*Article 2*

1. The minimum import price shall be deemed not to be complied with when the import price expressed in the currency of the Member State in which the product is released for free circulation is less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

2. The following factors shall constitute the import price:

- (a) the fob price in the country of origin, and
- (b) transport and insurance costs to the point of entry into the customs territory of the Community.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment, including the cost of loading a consignment onto a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the price to the seller shall be effected not later than three months after the day on which the declaration of the release for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the importing Member State, the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the importing Member State.

*Article 3*

1. At the time of completion of the customs import formalities for release for free circulation, the customs authorities shall compare the import price for each consignment with the minimum import price.

2. The import price shall be indicated on the declaration of release for free circulation and the declaration shall be accompanied by all the documents required to verify the price.

3. In cases where:

- (a) the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated;  
or
- (b) the authorities are not satisfied that the price declared in the declaration reflects the actual import price;  
or
- (c) payment has not been effected within the time limit provided for in Article 2 (4);

the competent authorities shall take the necessary measures to determine the actual import price, in particular by reference to the importer's resale price.

<sup>(1)</sup> OJ No L 145, 27. 5. 1992, p. 3.

<sup>(2)</sup> OJ No L 133, 2. 6. 1993, p. 13.

<sup>(3)</sup> OJ No L 153, 25. 6. 1993, p. 17.

*Article 4*

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contracts and correspondence concerning the purchase and sale of the products, shall be kept available for examination by the customs authorities for a period of three years.

*Article 5*

1. This Regulation shall not apply to products for which it can be shown that they have left the country of origin before the day of publication of this Regulation.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the condition set out in paragraph 1 has been complied with.

However, the competent authorities may regard the products as having left the country of origin before the day of publication of this Regulation if one of the following documents is submitted :

- in the case of transport by sea or waterway, the bill of lading showing that loading took place before that date,
- in the case of transport by rail, the consignment not accepted by the railways of the expediting country before that day,
- in the case of transport by road, the TIR (international road transport) carnet issued by the customs office in the country of origin before that day,
- in the case of transport by air, the air consignment not showing that the airline received the products before the day.

3. Paragraphs 1 and 2 shall apply only in so far as the declaration of release for free circulation has been accepted by the customs authorities before 1 August 1993.

*Article 6*

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

It shall apply for a period of two months from the date of its entry into force.

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

Done at Brussels, 5 July 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

*ANNEX*

CN code	Description	Taric code
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter : other	0811 20 39*90
ex 0811 20 51	Frozen redcurrants not containing added sugar or other sweetening matter : without stalks	0811 20 51*10
ex 0811 20 51	Frozen redcurrants not containing added sugar or other sweetening matter : other	0811 20 51*90

**COMMISSION REGULATION (EEC) No 1799/93**  
**of 5 July 1993**  
**fixing the import levies on white sugar and raw sugar**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in sugar <sup>(1)</sup>, as last amended by Regulation (EEC) No 1548/93 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy <sup>(3)</sup>, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 <sup>(4)</sup>, as amended by Regulation (EEC) No 1744/93 <sup>(5)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 July 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 6 July 1993.

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

Done at Brussels, 5 July 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 10.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 159, 1. 7. 1993, p. 40.

<sup>(5)</sup> OJ No L 161, 2. 7. 1993, p. 25.

## ANNEX

**to the Commission Regulation of 5 July 1993 fixing the import levies on white sugar and raw sugar***(ECU/100 kg)*

CN code	Levy (1)
1701 11 10	34,30 (1)
1701 11 90	34,30 (1)
1701 12 10	34,30 (1)
1701 12 90	34,30 (1)
1701 91 00	43,09
1701 99 10	43,09
1701 99 90	43,09 (2)

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

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

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

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 1 July 1993

**accepting a modified version of the undertaking offered by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand**

(93/381/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Articles 10 and 14 thereof,

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

Whereas :

#### A. PREVIOUS PROCEDURE

- (1) In June 1988 the Commission initiated an anti-subsidy proceeding concerning of certain ball bearings originating in Thailand<sup>(2)</sup>, following a complaint lodged by the Federation of European Bearing Manufacturers' Associations (Febma). The product has been defined as ball bearings with a greatest external diameter not exceeding 30 mm (hereafter referred to as 'ball bearings') originating in Thailand.
- (2) The Commission found that the above imports were being subsidized and were causing material

injury to the Community industry. In the light of those findings, the Royal Thai Government offered an undertaking to eliminate the effect of the subsidy. The undertaking involved the levying of an export tax of Baht 1,76, equivalent to the amount of countervailable subsidy found, for each ball bearing exported to the Community.

- (3) In June 1990, by Decision 90/266/EEC<sup>(3)</sup>, the Commission accepted the undertaking offered and terminated the investigation.

#### B. DEVELOPMENTS SINCE ACCEPTANCE OF UNDERTAKING

- (4) Subsequent verifications carried out by the Commission demonstrated that both the Royal Thai Government and the exporters located in Thailand have complied with the terms of the undertaking. In particular, the export tax was being collected on all ball bearings of Thai origin which are exported direct from Thailand to the Community.
- (5) However, notwithstanding the above, it came to the notice of the Commission that certain ball bearings manufactured in Thailand, exported to independent customers in a third country, were subse-

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 147, 4. 6. 1988, p. 4.

<sup>(3)</sup> OJ No L 152, 16. 6. 1990, p. 59.

quently re-shipped to the Community. Since the original destination of those exports was not the Community, export tax was not collected by the Thai authorities on such indirect imports.

### C. REOPENING OF INVESTIGATION

- (6) Since it had become apparent that a review of Decision 90/266/EEC was warranted, the Commission, after consultation, reopened the investigation with a view to considering the imposition of a countervailing duty on imports of all ball bearings originating in Thailand on which no export tax had been levied in order to eliminate fully the injurious effect of the subsidy on the Community industry. Since a new investigation was necessary for this purpose, the Commission decided to recalculate, at the same time, the amount of export tax required to eliminate the effect of the subsidy.
- (7) In July 1992 the Commission announced, by a notice published in the *Official Journal of the European Communities*<sup>(1)</sup>, the reopening of the investigation in the countervailing duty proceeding concerning imports into the Community of ball bearings with external diameter not exceeding 30 mm. The product concerned corresponds to CN code 8482 10 10.
- (8) The Commission officially advised the Royal Thai Government, the exporters and importers known to be concerned, as well as the complainant in the original investigation (Febma) and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing. The Royal Thai Government, the exporters located in Thailand and the Community producers, represented by Febma, made their views known in writing.
- (9) The Commission sought and verified all information it deemed to be necessary for the purposes of a determination and carried out an investigation at the premises of the following:
- (a) *Royal Thai Government*  
Department of Foreign Trade, Bangkok,  
Board of Investment, Bangkok;
- (b) *Thai exporters*  
NMB Thai Ltd, Ayutthaya, Thailand,  
Pelme Thai Ltd, Bang Pa-In, Thailand,  
NMB Hi-Tech Ltd, Bang Pa-In, Thailand.

All these companies are wholly-owned subsidiaries of Minebea Co. Ltd, Japan

### D. RESULT OF REVIEW INVESTIGATION AS REGARDS INDIRECT IMPORTS

- (10) In March 1993, the Commission, by Regulation (EEC) No 527/93<sup>(2)</sup>, imposed a provisional countervailing duty of 13,4 % on imports of ball bearings originating in Thailand but not directly exported from that country. The purpose of the duty is to prevent further injury to the Community industry during the proceeding by imports which avoid the export tax, pending the completion of the Commission's recalculation of the subsidy amount.

### E. RESULT OF REVIEW INVESTIGATION AS REGARDS THE AMOUNT OF SUBSIDY

- (11) The Royal Thai Government and the exporters made submissions with regard to the amount of countervailable subsidy granted during a period of one year immediately prior to the initiation of the review. The Commission's investigation revealed that the situation was as follows:
- (a) **Rebate of indirect taxes on domestically purchased inputs; electricity rebates for exporters**
- (12) It was established that the two abovementioned rebates, which had been found during the original investigation to be countervailable export subsidies were no longer available to the exporters. There are consequently no subsidies granted under these headings.
- (b) **Exemption from corporate income tax**
- (13) The certificates of promotion issued to NMB Thai and Pelme Thai continue to exempt those companies from corporate income tax under the same conditions as are described in Decision 90/266/EEC.
- NMB Hi-Tech, which had not yet begun production during the original investigation period, is a related company to NMB Thai and Pelme Thai and receives certificates of promotion on a similar basis to these two companies, also entitling it to complete exemption from corporate income tax.
- (14) The Commission is satisfied that the corporate income tax exemption remains a countervailable subsidy for all exporters.
- (c) **Customs duty and indirect tax exemption on imports of machinery and essential materials**
- (15) The certificates of promotion issued to NMB Thai and Pelme Thai continue to confer exemption from the payment of customs duty on imports of machinery and essential materials under the same conditions as are described in Decision

<sup>(1)</sup> OJ No C 182, 18. 7. 1992, p. 6.

<sup>(2)</sup> OJ No L 56, 9. 3. 1993, p. 24.

90/266/EEC. NMB Hi-Tech also benefits from such an exemption, as it receives certificates of promotion on a similar basis to NMB Thai and Pelmec Thai. The Commission is satisfied that the exemption from customs duty on machinery and essential materials remains a countervailable subsidy for all exporters.

- (16) In the original investigation, the Commission determined that the exemption from payment of business tax and municipal tax on imported machinery and essential materials was a countervailable subsidy.

On 1 January 1992 Thailand abolished the business and municipal tax and replaced it with value-added tax on their imports of essential materials and, following a period of transition, will shortly begin paying it on imported machinery.

The value-added tax system in Thailand operates in a similar way to that of the Community, and in particular, is neutral in its effect as regards domestic and export sales.

In those circumstances, the Commission concludes that, as a result of the abolition of the business tax and municipal tax, there is no longer an element of countervailable subsidy in respect of the exemption from payment of those taxes.

**(d) Calculation of subsidy amount**

- (17) The amount of countervailable subsidy was calculated using the method employment in Decision 90/266/EEC. On this basis, the value of the subsidies was as follows (in million baht):
- |                                    |      |
|------------------------------------|------|
| — corporate income tax exemption : | 373, |
| — import duty exemption :          | 352, |
| — total amount of subsidy :        | 725. |
- (18) When expressed as an amount per ball bearing exported from Thailand, and then weighted according to the relative volume of exports of each Thai producer to the Community, the subsidy is equivalent to Baht 0,91 per piece.
- (19) The Royal Thai Government, the exporters and the complainant in the original investigation were all

informed of the facts on which those findings had been based, and were granted an opportunity to comment.

**F. MODIFICATION OF UNDERTAKING**

- (20) The Royal Thai Government has offered the Commission a modified undertaking in which the rate of the export tax levied on ball bearings exported to the European Community has been adjusted to Baht 0,91 per unit. The Commission is satisfied in view of its findings that this rate is sufficient to continue to eliminate the effect of the subsidy, and therefore accepts this modified version of the undertaking offered by the Royal Thai Government.
- (21) The modified version of the undertaking applies only to ball bearings of Thai origin exported direct from Thailand to the Community. Ball bearings of Thai origin imported into the Community via third countries will be subject to the definitive countervailing duty of 6,7 % imposed by Council Regulation (EEC) No 1781/93 (1) in order to safeguard the effectiveness of the undertaking and to prevent the evasion of the export tax as referred to in recital 5.
- (22) The proposal met with no objection from the Advisory Committee,

HAS DECIDED AS FOLLOWS :

*Sole Article*

A modified version of the undertaking given by the Royal Thai Government in connection with the countervailing duty preceding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm originating in Thailand is hereby accepted.

Done at Brussels, 1 July 1993.

*For the Commission*

Leon BRITTAN

*Member of the Commission*

(1) See page 1 of this Official Journal.

**CORRIGENDA****Corrigendum to Commission Regulation (EEC) No 1680/93 of 30 June 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal**

*(Official Journal of the European Communities No L 159 of 1 July 1993)*

On page 10 in the Annex, in the column headed 'Third countries':

— against CN code 1107 10 99 :

*for:* '192,84',

*read:* '178,53';

— against CN code 1107 20 00 :

*for:* '222,94',

*read:* '206,26'.

---

**Corrigendum to Commission Regulation (EEC) No 1690/93 of 30 June 1993 altering the export refunds on white sugar and raw sugar exported in the natural state**

*(Official Journal of the European Communities No L 159 of 1 July 1993)*

On page 32 in the Annex, in the column headed 'Amount of refund':

— against product code 1701 12 90 100 :

*for:* '33,77 (°)',

*read:* '35,54 (°)';

— against product code 1701 12 90 910 :

*for:* '35,54 (°)',

*read:* '33,77 (°)'.

---

**Corrigendum to Commission Regulation (EEC) No 1739/93 of 1 July 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal**

*(Official Journal of the European Communities No L 161 of 2 July 1993)*

On page 10 in the Annex, in the column headed 'Third countries':

— against CN code 1107 10 99 :

*for:* '192,84',

*read:* '178,53';

— against CN code 1107 20 00 :

*for:* '222,94',

*read:* '206,26'.

---