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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 468/94

of 2 March 1994

amending Annex VI to Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring hereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, as last amended by Commission Regulation (EEC) No 2608/93⁽²⁾, and in particular Article 13 thereof,

Whereas according to Article 16 (5) of Regulation (EEC) No 2092/91 any use of substances not listed in Annex VI is excluded 12 months after the establishment of Annex VI, even where before such substances were authorized according to existing national provisions;

Whereas certain Member States have considered that certain products should be added to Annex VI and have presented requests to the Commission to support these considerations;

Whereas it has appeared from these requests that certain ingredients of non-agricultural origin are indispensable to make it possible for certain foodstuffs to be appropriately produced or preserved; whereas these compounds also are very commonly present in nature;

Whereas it has appeared from these requests that certain agricultural products need to be added to section C of Annex VI and are required because these products appear not to be produced in sufficient quantities in the Community according to the organic production method while, on the contrary, that certain other products need to be deleted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EEC) No 2092/91 is amended as defined in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force 15 days from the date of 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, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 198, 22. 7. 1991, p. 1.

⁽²⁾ OJ No L 239, 24. 9. 1993, p. 10.

ANNEX

1. Section A. 1. (Food additives, including carriers) is amended as follows :

— after E 330 (citric acid), the following compound is introduced :

	name	specific conditions
'E 333	calcium citrates	—'

— after E 336 (potassium tartrate), the following compound is introduced :

	name	specific conditions
'E 341 (i)	monocalciumphosphate	raising agent for self raising flour'

— after E 300 (ascorbic acid), the following compound is introduced :

	name	specific conditions
'E 306	tocopherol-rich extract	anti-oxydant in fats and oils'

— after E 406 (agar), the following compound is introduced :

	name	specific conditions
'E 407	carrageenan	—'

— after E 516 (calcium sulphate), the following compound is introduced :

	name	specific conditions
'E 524	sodiumhydroxyde	surface treatment of Laugengebäck'

2. Section B is amended as follows :

— The following compounds are inserted after 'Potassium carbonate' :

	name	specific conditions
'Sodium carbonate		Sugar production
Sodium hydroxyde		Sugar protection, olive treatment
Sulphuric acid		Sugar production'

— The specific condition 'greasing or releasing agent' with regard to the compound 'Vegetable oils' is replaced by 'greasing, releasing or anti-foaming agent'.

— The following compound is inserted after 'Hazelnut shells' :

	name	specific conditions
'Rice meal		—'

3. Section C is amended as follows :

— The following products are added to sub-section C.1.1. after radish seeds :

Acorns
Fenugreek
Acerola
Chicory

— The following products are deleted from sub-section C.1.1.:

Pumpkin seeds

— The following product is deleted from sub-section C.1.3.:

Millet

— The following products are added to section C.2.2.:

Fructose

— In sub-section C.2.3. the position 'Vinegar from fermented beverages other than wine' is amended with 'Vinegar other than vinegar from wine and apple cider'.

— In sub-section C.3. the position 'Milk powder and skimmed milk powder' is replaced by 'Buttermilk powder'.

— The following product is added to section C.3.:

Lactose

COMMISSION REGULATION (EC) No 469/94

of 2 March 1994

establishing a provisional quantitative limit on imports into the Community of certain textile products (category 97) originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Commission Regulation (EC) No 195/94⁽²⁾, and in particular Article 10 thereof,

Whereas Article 10 of Regulation (EEC) No 3030/93 lays down the conditions under which quantitative limits may be established;

Whereas imports into the Community of certain textile products (category 97) specified in the Annex hereto and originating in the People's Republic of China (herein after referred to as 'China') have exceeded the level referred to in Article 10 (1) in conjunction with Annex IX of Regulation (EEC) No 3030/93;

Whereas, in accordance with Article 10 (3) of Regulation (EEC) No 3030/93, on 8 February 1994 China was notified of a request for consultations;

Whereas, pending a mutually satisfactory solution, the Commission has requested China for a provisional period of three months to limit its exports to the Community of products falling within category 97 to the provisional quantitative limit set out in the Annex with effect from the date of the request for consultations;

Whereas pending the outcome of the requested consultations a quantitative limit identical to the one requested of the supplier country should be applied provisionally to imports of the category of products in question;

Whereas it is appropriate to apply to imports into Community of products for which the quantitative limit is introduced the provisions of Council Regulation (EEC) No 3030/93 which are applicable to imports of products subject to the quantitative limits set out in Annex V of the said Regulation;

Whereas the products in question exported from China between 8 February 1994 and the date of entry into force

of this Regulation must be set off against the quantitative limit which has been introduced;

Whereas this quantitative limit should not prevent the importation of products covered by it shipped from China before the date of entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into the Community of the category of products originating in China and specified in the Annex hereto shall be subject to the provisional quantitative limit set out in that Annex.

Article 2

1. Products referred to in Article 1 shipped from China to the Community before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped from China to the Community after the entry into force of this Regulation shall be subject to the provisions of Council Regulation (EEC) No 3030/93 which apply to imports into the Community of products subject to the quantitative limits set out in Annex V of the said Regulation.

3. All quantities of products shipped from China to the Community on or after 8 February 1994 and released for free circulation shall be deducted from the quantitative limit laid down. This provisional limit shall not, however, prevent the importation of products covered by them but shipped from China before the date of entry into force of this Regulation.

Article 3

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

It shall apply until 7 May 1994.

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 29, 2. 2. 1994, p. 1.

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

Done at Brussels, 2 March 1994.

For the Commission
Leon BRITTAN
Member of the Commission

ANNEX

Category	CN code	Description	Third country	Unit	Limit Quantitative limits from 8 February to 7 May 1994
97	5608 11 11 5608 11 19 5608 11 91 5608 11 99 5608 19 11 5608 19 19 5608 19 31 5608 19 39 5608 19 91 5608 19 99 5608 90 00	Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or rope	China	tonnes	174

COMMISSION REGULATION (EC) No 470/94

of 2 March 1994

amending Regulation (EEC) No 536/93 laying down detailed rules on the application of the additional levy on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EEC) No 1560/93 ⁽²⁾, and in particular Article 11 thereof,

Whereas Commission Regulation (EEC) No 536/93 of 9 March 1993 ⁽³⁾, as amended by Regulation (EEC) No 1756/93 ⁽⁴⁾, lays down detailed rules on the application of the additional levy, and in particular Article 2 thereof lays down a representative fat content of milk which is associated with the individual reference quantity;

Whereas, in the event of application of Article 4 (2) of Regulation (EEC) No 3950/92, which authorizes at a duly justified application, the transfer of reference quantities for direct sales to deliveries, Article 2 (1) (a) and (b) of Regulation (EEC) No 536/93 distinguish between cases of an increase in a reference quantity from cases where the reference quantity for deliveries is established; whereas, in particular, the representative fat content of milk remains unchanged where there is an increase in the reference quantity for deliveries following a transfer of the reference quantity for direct sales; whereas the difference between the cases of increases in the reference quantity and cases where it is established was laid down for the benefit of producers in order to take better account of their individual situations; whereas applications received by the Member States show that some producers hope to take advantage of the way the regulations are worded; whereas the real situation of producers should be referred to for the purposes of applying those provisions;

Whereas, even if the Member State is able, pursuant to Article 4 (2) of Regulation (EEC) No 3950/92, to rule out unjustified applications, it appears advisable, in order to make it clearly impossible for producers to draw undue benefit from the regulations and thus avoid overloading the national authorities responsible for considering the merits of applications, to apply one and the same standard rule for the fat content whether a reference quantity is increased or is established following a transfer; whereas, however, in the interests of the producers concerned,

producers who continue to be engaged in direct sales should be able to continue to benefit from the present provisions;

Whereas, for the same reasons as above, experience gained also shows the need to amend the rules governing the representative fat content of milk for producers who have recently set up in farming;

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

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 2 (1) of Regulation (EEC) No 536/93 is hereby replaced by the following:

Where the individual reference quantity is changed, the following provisions shall apply:

- (a) the representative fat content of milk shall remain unchanged where additional reference quantities are allocated from the national reserve;
- (b) where, pursuant to Article 4 (2) of Regulation (EEC) No 3950/92, the reference quantity for deliveries is increased or established, the representative fat content associated with the reference quantity converted into deliveries shall be 3,8 %.

However, the representative fat content of the reference quantity for deliveries shall remain unchanged if the producer provides justification therefor to the satisfaction of the competent authority;

- (c) where Articles 6 and 7 and the third, fourth and fifth indents of Article 8 of Regulation (EEC) No 3950/92 are applied, the representative fat content shall be transferred with the reference quantity with which it is associated;
- (d) in the cases referred to in the first subparagraph of (b) and (c), the resulting representative fat content shall be equal to the average of the initial and transferred or converted representative contents, weighted by the initial and transferred or converted reference quantities;

⁽¹⁾ OJ No L 405, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 30.

⁽³⁾ OJ No L 57, 10. 3. 1993, p. 12.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 48.

(e) in the case of producers whose entire reference quantities come from the national reserve and who have commenced production after 1 April 1992, the representative fat content of their milk shall be the average fat content of milk delivered during the first 12 months of production. However, if the representative content exceeds the average national fat content of milk collected in the Member State during the twelve-month reference period during which they commenced production :

- the producers concerned may not benefit from the negative correction provided for in the second indent of paragraph 2 unless they provide supporting evidence to the contrary,

— where Articles 6 and 7 and the fourth and fifth indents of Article 8 of Regulation (EEC) No 3950/92 are applied, the representative fat content of milk associated with the transferred reference quantity shall be reduced to the abovementioned national average content.'

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 1 April 1994. However, on application by the producer, it shall apply from 1 April 1993.

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

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 471/94

of 2 March 1994

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1684/92⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

Article 2

This Regulation shall enter into force on 3 March 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 176, 30. 6. 1992, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹¹⁾ 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, 2 March 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 2 March 1994 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	31,74 ⁽¹⁾
1701 11 90 910	29,72 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	31,74 ⁽¹⁾
1701 12 90 910	29,72 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3451
	— ECU/100 kg —
1701 99 10 100	34,51
1701 99 10 910	33,65
1701 99 10 950	33,65
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3451

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

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 472/94
of 2 March 1994

fixing, for February 1994, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾,

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 ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as amended by Regulation (EEC) No 2627/93 ⁽⁶⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage ;

whereas that specific rate must be fixed each month for the previous month ;

Whereas application of these provisions will lead to the fixing, for February 1994, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for February 1994 shall be as indicated in the Annex hereto.

Article 2

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

It shall apply with effect from 1 February 1994.

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

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ No L 240, 25. 9. 1993, p. 19.

ANNEX

fixing, for February 1994, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	49,3070	Belgian and Luxembourg francs
	9,34812	Danish kroner
	2,35418	German marks
	7,98191	French francs
	0,976426	Irish punt
	2,65256	Dutch guilders
	334,226	Greek drachmas
	192,319	Spanish pesetas
	2 274,93	Italian lire
	236,933	Portuguese escudos
	0,920969	Pound sterling

COMMISSION REGULATION (EC) No 473/94
of 2 March 1994

**adopting interim protective measures on applications for STM licences in the
beef and veal sector submitted for the day of 2 March 1994 for trade with Spain**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 1112/93 of 6 May 1993 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 3810/91 and (EEC) No 3829/92 ⁽¹⁾, as last amended by Regulation (EC) No 3437/93 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued in March and April 1994;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary where the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas an examination of licence applications lodged for the day of 2 March 1994 shows that the quantities

applied for are likely to bring about a serious disturbance of the market for live animals; whereas, as an interim protective measure, licences should only be issued for up to a given percentage of the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights:

1. applications for STM licences for the following products submitted for the day of 2 March 1994 and notified to the Commission shall be accepted for 68,868 % for Spain;
2. further applications may be submitted from 28 March 1994.

Article 2

This Regulation shall enter into force on 3 March 1994.

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

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 10.

⁽²⁾ OJ No L 314, 16. 12. 1993, p. 15.

COMMISSION REGULATION (EC) No 474/94
of 2 March 1994

fixing the maximum export refund for white sugar for the 39th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 39th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

1. For the 39th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 36,200 per 100 kilograms.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 3 March 1994.

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

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 475/94

of 2 March 1994

introducing a countervailing charge and suspending the preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3669/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

Whereas Commission Regulation (EEC) No 1319/93 of 28 May 1993 fixing the reference price for fresh lemons for the 1993/94 marketing year⁽³⁾ fixed the reference price for products of class I for the period 1 November 1993 to 30 April 1994 at ECU 47,15 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72 according to the dispositions of Regulation (EEC) No 2849/93 of 19 October 1993 altering the entry price for certain fruits and vegetables originating in Mediterranean third countries⁽⁴⁾;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation

(EEC) No 249/93⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for fresh lemons originating in Turkey the entry prices calculated in this way have for five consecutive market days been alternatively above and below the reference price; whereas two of these entry prices are at least ECU 0,6 below the reference prices; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁷⁾, as amended by Regulation (EEC) No 1555/84⁽⁸⁾, a rate of customs duty of 4 % should be reintroduced;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as amended by Regulation (EC) No 3528/93⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of ECU 1,38 per 100 kilograms net is applied on imports of fresh lemons falling within CN code ex 0805 30 10 originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 4 March 1994.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 9 March 1994.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 26.

⁽³⁾ OJ No L 132, 29. 5. 1993, p. 90.

⁽⁴⁾ OJ No L 261, 20. 10. 1993, p. 18.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 28, 5. 2. 1993, p. 45.

⁽⁷⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁸⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹¹⁾ 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, 2 March 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 476/94
of 2 March 1994

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 Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Articles 10 (5) and 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 ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93 ⁽⁵⁾ 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 1 March 1994, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2703/93 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 3 March 1994.

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

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 2 March 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	87,40 ⁽²⁾ ⁽³⁾
0712 90 19	87,40 ⁽²⁾ ⁽³⁾
1001 10 00	2,27 ⁽¹⁾ ⁽³⁾
1001 90 91	97,45
1001 90 99	97,45 ⁽²⁾
1002 00 00	118,12 ⁽⁶⁾
1003 00 10	121,79
1003 00 90	121,79 ⁽²⁾
1004 00 00	96,11
1005 10 90	87,40 ⁽²⁾ ⁽⁷⁾
1005 90 00	87,40 ⁽²⁾ ⁽⁷⁾
1007 00 90	96,84 ⁽⁴⁾
1008 10 00	31,40 ⁽²⁾
1008 20 00	45,92 ⁽⁴⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 00	175,12 ⁽²⁾
1102 10 00	202,91
1103 11 10	37,07
1103 11 90	198,75
1107 10 11	184,34
1107 10 19	140,49
1107 10 91	227,67 ⁽¹⁰⁾
1107 10 99	172,86 ⁽²⁾
1107 20 00	199,65 ⁽¹⁰⁾

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

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

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

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

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

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

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

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

⁽⁹⁾ 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.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EC) No 477/94

of 2 March 1994

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 Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, 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⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93⁽⁵⁾ 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 1 March

1994, 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 the import 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 3 March 1994.

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

Done at Brussels, 2 March 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 2 March 1994 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
	3	4	5	6
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 90	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	0	0	0
1102 10 00	0	0	0	0
1103 11 10	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
	3	4	5	6	7
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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 February 1994

concerning an application for the refund of anti-dumping duties collected on certain imports of certain polyester yarns (man-made staple fibres) originating in Indonesia (Codev Textiles Ltd)

(Only the English text is authentic)

(94/132/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 31 March 1992 by Council Regulation (EEC) No 830/92⁽²⁾, a definitive anti-dumping duty of 11,9 % was imposed on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.
- (2) Codev Textiles Ltd, Springfield Mill, Sherborne Street West, Salford, UK-Manchester M3 7LT, importer of polyester yarns produced and exported by PT Indo Rama Synthetics, an Indonesian exporter (hereinafter referred to as 'the exporter'), subject to the anti-dumping duty of 11,9 %, claimed on 19 June 1992 a refund of anti-dumping duties paid in the period 3 October 1991 to 30 April 1992. In accordance with the Commission

notice concerning the reimbursement of anti-dumping duties⁽³⁾ (hereinafter referred to as 'the notice'), the Commission considered that as the refund request related to more than three consignments in a period of at least six months, it should be treated as a recurring application in the context of point I.4 of the notice.

The total refund claimed by Codev Textiles Ltd, for anti-dumping duties paid between 3 October 1991 and 30 April 1992, amounts to (£ ..)⁽⁴⁾.

- (3) Following submissions by the applicant with regard to the margin of dumping during the above reference period, the Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the exporter in Indonesia.
- Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment. Its observations were taken into account where considered necessary.
- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

⁽³⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

B. ARGUMENTS OF THE APPLICANT

- (5) The applicant based its claim on the allegation, supported by data concerning normal value and export prices to the Community, that the export prices from the exporter were such that dumping did not exist.

C. ADMISSIBILITY

- (6) The application is admissible since it was introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and point II of the notice, the applicant showed, and the verifications carried out confirmed, that the export prices were, with the exception of a small number of transactions, not lower than the normal value for sales of the like product in Indonesia.

- (8) Concerning the methodology applied in establishing the dumping margin, account had to be taken of the fact that the exporter concerned had not cooperated during the original anti-dumping proceeding. It was therefore necessary to determine the methodology in accordance with Article 2 of Regulation (EEC) No 2423/88.

- (9) (a) *Normal value*

Where a particular product type exported to the Community was sold on the domestic market in the ordinary course of trade, and in sufficient quantities, normal value was established on the basis of the weighted average domestic price actually paid or payable for that product type.

Where a particular product type exported to the Community was not sold or was sold in insufficient quantities on the domestic market, normal value was constructed on the basis of the costs of production plus a reasonable profit margin. The selling general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized on sales of other types of the like product on the domestic market, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

- (b) *Export price*

All shipments of the product concerned during the reference period made by the exporter and released for free circulation in the Community were considered.

No importer in the Community of the product exported by the exporter was related to the latter. Export prices were thus established on the basis of the price paid or payable for the product sold for export to the Community.

- (c) *Comparison*

Normal value and export prices were compared according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88.

- (10) On this basis, it was found that the application was justified and that the actual dumping margin for the reference period was negligible (less than 0,1 %).

- (11) Amount of the refund: since no actual dumping margin was found, the amounts to be refunded are (£ ...), corresponding to the full amount of anti-dumping duty paid for those imports released for free circulation in the Community between 3 October 1991 and 30 April 1992,

HAS ADOPTED THIS DECISION:

Article 1

The application for the refund of anti-dumping duties submitted by Codev Textiles Ltd for the period 3 October 1991 to 30 April 1992 is granted for the amount of (£ ...).

Article 2

The amount set out in Article 1 shall be refunded by the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and Codev Textiles Ltd, Springfield Mill, Sherborne Street West, Salford, UK-Manchester M3 7LT.

Done at Brussels, 8 February 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION DECISION

of 8 February 1994

concerning an application for the refund of anti-dumping duties collected on certain imports of certain polyester yarns (man-made staple fibres) originating in Indonesia (Ottoman Pacific Ltd)

(Only the English text is authentic)

(94/133/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 31 March 1992 by Council Regulation (EEC) No 830/92⁽²⁾, a definitive anti-dumping duty of 11,9 % was imposed on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.
- (2) Ottoman Pacific Ltd, 3 Hawksworth Street, Ilkley, UK-West Yorkshire LS29 9DU, importer of polyester yarns produced and exported by PT Indo Rama Synthetics, an Indonesian exporter (hereinafter referred to as 'the exporter'), subject to the anti-dumping duty of 11,9 %, claimed on 19 June 1992 a refund of anti-dumping duties paid in the period 3 October 1991 to 30 April 1992. In accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽³⁾ (hereinafter referred to as 'the notice'), the Commission considered that as the refund request related to more than three consignments in a period of at least six months, it should be treated as a recurring application in the context of point I.4 of the notice.

The total refund claimed by Ottoman Pacific Ltd, for anti-dumping duties paid between 3 October 1991 and 30 April 1992, amounts to (£ ...)⁽⁴⁾.

- (3) Following submissions by the applicant with regard to the margin of dumping during the above

reference period, the Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the exporter in Indonesia.

Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment. Its observations were taken into account where considered necessary.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENTS OF THE APPLICANT

- (5) The applicant based its claim on the allegation, supported by data concerning normal value and export prices to the Community, that the export prices from the exporter were such that dumping did not exist.

C. ADMISSIBILITY

- (6) The application is admissible since it was introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and point II of the notice, the applicant showed, and the verifications carried out confirmed, that the export prices were, with the exception of a small number of transactions, not lower than the normal value for sales of the like product in Indonesia.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

- (8) Concerning the methodology applied in establishing the dumping margin, account had to be taken of the fact that the exporter concerned had not cooperated during the original anti-dumping proceeding. It was therefore necessary to determine the methodology in accordance with Article 2 of Regulation (EEC) No 2423/88.
- (9) (a) *Normal value*
- Where a particular product type exported to the Community was sold on the domestic market in the ordinary course of trade, and in sufficient quantities, normal value was established on the basis of the weighted average domestic price actually paid or payable for that product type.
- Where a particular product type exported to the Community was not sold or was sold in insufficient quantities on the domestic market, normal value was constructed on the basis of the costs of production plus a reasonable profit margin. The selling general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized on sales of other types of the like product on the domestic market, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.
- (b) *Export price*
- All shipments of the product concerned during the reference period made by the exporter and released for free circulation in the Community were considered.
- No importer in the Community of the product exported by the exporter was related to the latter. Export prices were thus established on the basis of the price paid or payable for the product sold for export to the Community.
- (c) *Comparison*
- Normal value and export prices were compared according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88.
- (10) On this basis, it was found that the application was justified and that the actual dumping margin for the reference period was negligible (less than 0,1 %).
- (11) Amount of the refund: since no actual dumping margin was found, the amounts to be refunded are (£ ...), corresponding to the full amount of anti-dumping duty paid for those imports released for free circulation in the Community between 3 October 1991 and 30 April 1992,

HAS ADOPTED THIS DECISION :

Article 1

The application for the refund of anti-dumping duties submitted by Ottoman Pacific Ltd for the period 3 October 1991 to 30 April 1992 is granted for the amount of (£ ...).

Article 2

The amount set out in Article 1 shall be refunded by the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and Ottoman Pacific Ltd, 3 Hawksworth Street, Ilkley, UK-West Yorkshire LS29 9DU.

Done at Brussels, 8 February 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION DECISION

of 8 February 1994

concerning an application for the refund of anti-dumping duties collected on certain imports of certain polyester yarns (man-made staple fibres) originating in Indonesia (Pax Yarns Ltd)

(Only the English text is authentic)

(94/134/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 31 March 1992 by Council Regulation (EEC) No 830/92⁽²⁾, a definitive anti-dumping duty of 11,9 % was imposed on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.
- (2) Pax Yarns Ltd, Cambridge Road, Whetstone, UK-Leicester LE8 3LH, importer of polyester yarns produced and exported by PT Indo Rama Synthetics, an Indonesian exporter (hereinafter referred to as 'the exporter'), subject to the anti-dumping duty of 11,9 %, claimed on 19 June 1992 a refund of anti-dumping duties paid in the period 3 October 1991 to 30 April 1992 and lodged a number of other applications on 24 August, 23 September, 5 November 1992 and 11 January 1993 for the period 1 May 1992 to 30 November 1992. In accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽³⁾ (hereinafter referred to as 'the notice'), the Commission considered that as the refund request related to more than three consignments in a period exceeding six months, it should be treated as a recurring application in the context of point I.4 of the notice.

The total refund claimed by Pax Yarns Ltd for anti-dumping duties paid between 3 October 1991 and 30 April 1992 (the first reference period), and

between 1 May 1992 and 30 November 1992 (the second reference period), amounts to (£ . . .)⁽⁴⁾.

- (3) Following submissions by the applicant with regard to the margin of dumping during the above reference periods, the Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the exporter in Indonesia.
- Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment. Its observations were taken into account where considered necessary.
- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENTS OF THE APPLICANT

- (5) The applicant based its claim on the allegation, supported by data concerning normal value and export prices to the Community, that the export prices from the exporter were such that dumping did not exist.

C. ADMISSIBILITY

- (6) The application is admissible since it was introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and point II of the notice, the applicant showed, and the verifications carried out confirmed, that the export prices were, with the exception of a small number of transactions, not lower than the normal value for sales of the like product in Indonesia.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

- (8) Concerning the methodology applied in establishing the dumping margin, account had to be taken of the fact that the exporter concerned had not cooperated during the original anti-dumping proceeding. It was therefore necessary to determine the methodology in accordance with Article 2 of Regulation (EEC) No 2423/88.
- (9) (a) *Normal value*
- Where a particular product type exported to the Community was sold on the domestic market in the ordinary course of trade, and in sufficient quantities, normal value was established on the basis of the weighted average domestic price actually paid or payable for that product type.
- Where a particular product type exported to the Community was not sold or was sold in insufficient quantities on the domestic market, normal value was constructed on the basis of the costs of production plus a reasonable profit margin. The selling general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized on sales of other types of the like product on the domestic market, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.
- (b) *Export price*
- All shipments of the product concerned during the reference periods made by the exporter and released for free circulation in the Community were considered.
- No importer in the Community of the product exported by the exporter was related to the latter. Export prices were thus established on the basis of the price paid or payable for the product sold for export to the Community.
- (c) *Comparison*
- Normal value and export prices were compared according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88.
- (10) On this basis, it was found that the application was justified and that the actual dumping margin for the reference periods was negligible (less than 0,1 %).
- (11) Amount of the refund: since no actual dumping margin was found, the amounts to be refunded are (£ ...), corresponding to the full amount of anti-dumping duty paid for those imports released for free circulation in the Community between 3 October 1991 and 30 November 1992,

HAS ADOPTED THIS DECISION:

Article 1

The application for the refund of anti-dumping duties submitted by Pax Yarns Ltd for the period 3 October 1991 to 30 November 1992 is granted for the amount of (£ ...).

Article 2

The amount set out in Article 1 shall be refunded by the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and Pax Yarns Ltd, Cambridge Road, Whetstone, UK-Leicester LE8 3LH.

Done at Brussels, 8 February 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION DECISION

of 8 February 1994

concerning an application for the refund of anti-dumping duties collected on certain imports of certain polyester yarns (man-made staple fibres) originating in Indonesia (Rowson & Son Ltd)

(Only the English text is authentic)

(94/135/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

(1) On 31 March 1992 by Council Regulation (EEC) No 830/92⁽²⁾, a definitive anti-dumping duty of 11,9 % was imposed on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.

(2) Rowson & Son Ltd, International Yarn Merchants, 1 Wells Road, Ilkley, UK-West Yorkshire LS29 9JB, importer of polyester yarns produced and exported by PT Indo Rama Synthetics, an Indonesian exporter (hereinafter referred to as 'the exporter'), subject to the anti-dumping duty of 11,9 %, claimed on 24 August, 23 September and 18 December 1992 a refund of anti-dumping duties paid in the period 1 May 1992 to 30 November 1992. In accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽³⁾ (hereinafter referred to as 'the notice'), the Commission considered that as the refund request related to more than three consignments in a period exceeding six months, it should be treated as a recurring application in the context of point I.4 of the notice.

The total refund claimed by Rowson & Son Ltd, for anti-dumping duties paid between 1 May and 30 November 1992, amounts to (£ ...)⁽⁴⁾.

(3) Following submissions by the applicant with regard to the margin of dumping during the above

reference periods, the Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the exporter in Indonesia.

Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment. Its observations were taken into account where considered necessary.

(4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENTS OF THE APPLICANT

(5) The applicant based its claim on the allegation, supported by data concerning normal value and export prices to the Community, that the export prices from the exporter were such that dumping did not exist.

C. ADMISSIBILITY

(6) The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

D. MERITS OF THE CLAIM

(7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and point II of the notice, the applicant showed, and the verifications carried out confirmed, that the export prices were, with the exception of a small number of transactions, not lower than the normal value for sales of the like product in Indonesia.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

(8) Concerning the methodology applied in establishing the dumping margin, account had to be taken of the fact that the exporter concerned had not cooperated during the original anti-dumping proceeding. It was therefore necessary to determine the methodology in accordance with Article 2 of Regulation (EEC) No 2423/88.

(9) (a) *Normal value*

Where a particular product type exported to the Community was sold on the domestic market in the ordinary course of trade, and in sufficient quantities, normal value was established on the basis of the weighted average domestic price actually paid or payable for that product type.

Where a particular product type exported to the Community was not sold or was sold in insufficient quantities on the domestic market, normal value was constructed on the basis of the costs of production plus a reasonable profit margin. The selling general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized on sales of other types of the like product on the domestic market, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

(b) *Export price*

All shipments of the product concerned during the reference period made by the exporter and released for free circulation in the Community were considered.

No importer in the Community of the product exported by the exporter was related to the latter. Export prices were thus established on the basis of the price paid or payable for the product sold for export to the Community.

(c) *Comparison*

Normal value and export prices were compared according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88.

(10) On this basis, it was found that the application was justified and that the actual dumping margin for

the reference periods was negligible (less than 0,1 %).

(11) Amount of the refund: the amount of (£ ...) corresponding to a penalty for delay in the payment of the duty was included in the claim lodged on 24 August 1992. Such a penalty is not refundable. Since no actual dumping margin was found, the amounts to be refunded are (£ ...), corresponding to the full amount of anti-dumping duty paid for those imports released for free circulation in the Community between 1 May and 30 November 1992,

HAS ADOPTED THIS DECISION:

Article 1

The applications for the refund of anti-dumping duties submitted by Rowson & Son Ltd for the period 1 May to 30 November 1992 are granted for the amount of (£ ...).

Article 2

The amount set out in Article 1 shall be refunded by the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and Rowson & Son Ltd, International Yarn Merchants, 1 Wells Road, Ilkley, UK-West Yorkshire LS29 9JB.

Done at Brussels, 8 February 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION DECISION

of 8 February 1994

concerning an application for the refund of anti-dumping duties collected on certain imports of certain polyester yarns (man-made staple fibres) originating in Indonesia (Unicom BVBA/Unitrac)

(Only the Dutch and French texts are authentic)

(94/136/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) On 31 March 1992 by Council Regulation (EEC) No 830/92⁽²⁾, a definitive anti-dumping duty of 11,9 % was imposed on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.
- (2) Unicom BVBA/Unitrac, Italiëlei 17a, B-2000 Antwerp 1, importer of polyester yarns produced and exported by PT Indo Rama Synthetics, an Indonesian exporter (hereinafter referred to as 'the exporter'), subject to the anti-dumping duty of 11,9 %, claimed on 19 June 1992 a refund of anti-dumping duties paid in the period 3 October 1991 to 30 April 1992 and lodged a second application on 25 August 1992 for the the period 1 May to 30 November 1992. In accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽³⁾ (hereinafter referred to as 'the notice'), the Commission considered that as the refund request related to more than three consignments in a period exceeding six months, it should be treated as a recurring application in the context of point I.4 of the notice.

The total refund claimed by Unicom BVBA/Unitrac, for anti-dumping duties paid between 3 October 1991 and 30 April 1992 (the first reference period), and between 1 May and 30 November

1992 (the second reference period), amounts to (Bfrs ...)⁽⁴⁾.

- (3) Following submissions by the applicants with regard to the margin of dumping during the above reference periods, the Commission sought and verified all information deemed to be necessary for the purposes of a determination and carried out investigations at the premises of the exporter in Indonesia.
- Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment. Its observations were taken into account where considered necessary.
- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. ARGUMENTS OF THE APPLICANT

- (5) The applicant based its claim on the allegation, supported by data concerning normal value and export prices to the Community, that the export prices from the exporter were such that dumping did not exist.

C. ADMISSIBILITY

- (6) The applications are admissible since they are introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular that concerning time limits.

D. MERITS OF THE CLAIM

- (7) Pursuant to Article 16 (1) of Regulation (EEC) No 2423/88 and point II of the notice, the applicant showed, and the verifications carried out confirmed, that the export prices were, with the exception of a small number of transactions, not lower than the normal value for sales of the like product in Indonesia.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2423/88 concerning non-disclosure of business secrets.

- (8) Concerning the methodology applied in establishing the dumping margin, account had to be taken of the fact that the exporter concerned had not cooperated during the original anti-dumping proceeding. It was therefore necessary to determine the methodology in accordance with Article 2 of Regulation (EEC) No 2423/88.
- (9) (a) *Normal value*
- Where a particular product type exported to the Community was sold on the domestic market in the ordinary course of trade, and in sufficient quantities, normal value was established on the basis of the weighted average domestic price actually paid or payable for that product type.
- Where a particular product type exported to the Community was not sold or was sold in insufficient quantities on the domestic market, normal value was constructed on the basis of the costs of production plus a reasonable profit margin. The selling general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized on sales of other types of the like product on the domestic market, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.
- (b) *Export price*
- All shipments of the product concerned during the reference periods made by the exporter and released for free circulation in the Community were considered.
- No importer in the Community of the product exported by the exporter was related to the latter. Export prices were thus established on the basis of the price paid or payable for the product sold for export to the Community.
- (c) *Comparison*
- Normal value and export prices were compared according to the provisions of Article 2 (9) of Regulation (EEC) No 2423/88.
- (10) On this basis, it was found that the applications were justified and that the actual dumping margin for the reference periods was negligible (less than 0,1 %).
- (11) Amount of the refund: since no actual dumping margin was found, the amounts to be refunded are (Bfrs ...), corresponding to the full amount of anti-dumping duty paid for those imports released for free circulation in the Community between 3 October 1991 and 30 November 1992,

HAS ADOPTED THIS DECISION :

Article 1

The applications for the refund of anti-dumping duties submitted by Unicom BVBA/Unitrac for the period 3 October 1991 to 30 November 1992 are granted for the amount of (Bfrs ...).

Article 2

The amount set out in Article 1 shall be refunded by Belgium.

Article 3

This Decision is addressed to Belgium and Unicom BVBA/Unitrac, Italiëlei 17a, B-2000 Antwerp 1.

Done at Brussels, 8 February 1994.

For the Commission

Leon BRITAN

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 462/94 of 28 February 1994 on the opening of an invitation to tender for the sale of olive oil held by the Spanish intervention agency

(Official Journal of the European Communities No L 57 of 1 March 1994)

On page 83, in Article 3, second paragraph :

for: '... 500 tonnes.'

read: '... 1 000 tonnes.'

Corrigendum to Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger

(Official Journal of the European Communities No L 32 of 5 February 1994)

On page 39 the Annex to the Directive is replaced by the following text:

EUROPEAN COMMUNITY: NOTIFICATION OF INTERCEPTION OF A CONSIGNMENT OR HARMFUL ORGANISM FROM A THIRD COUNTRY

ANNEX
Model form provided for in Article 3 and 4

<p>1. CONSIGNOR</p> <p>a. Name :</p> <p>b. Address :</p> <p>c. Country :</p>	<p>2. INTERCEPTION FILE</p> <p>a. Reference number :</p> <p>Request for message to be sent to :</p> <p><input type="checkbox"/> b. Member States <input type="checkbox"/> c. Eppo</p>
<p>3. CONSIGNEE</p> <p>a. Name :</p> <p>b. Address :</p> <p>c. Country :</p> <p>d. Country + e. place of destination :</p>	<p>4. a. Plant protection organization of :</p> <p>b. to :</p>
<p>7. TRANSPORT</p> <p>a. Mode of transport :</p> <p>b. Mean(s) of transport :</p> <p>c. Identification(s) :</p>	<p>5. a. Country + b. place of export :</p> <p>6. a. Country + b. place of origin :</p>
<p>8. Point of entry :</p>	<p>9. IDENTIFICATION OF THE CONSIGNMENT</p> <p>a. Type of document :</p> <p>b. Document number :</p> <p>c. Country + d. place of issue :</p> <p>e. Date of issue :</p>
<p>10. DESCRIPTION OF THE INTERCEPTED PART OF THE CONSIGNMENT</p> <p>a. Type of package(s)/container(s) :</p> <p>b. Distinguishing mark(s) of package(s)/container(s) :</p> <p>c. Number(s) of package(s)/container(s) :</p> <p>d. Plant, plant product or other object :</p> <p>e. Class of commodity :</p>	<p>11. a. Net mass/volume/number of units in the consignment :</p> <p>b. Unit of measure :</p> <p>12. a. Net mass/volume/number of units of the intercepted part :</p> <p>b. Unit of measure :</p> <p>13. a. Net mass/volume/number of units of the contaminated part :</p> <p>b. Unit of measure :</p>
<p>14. REASON(S) FOR INTERCEPTION</p> <p>a. Reason(s) :</p> <p>b. Scientific name of the harmful organism :</p> <p>c. Extent of the contamination :</p>	
<p>15. MEASURES TAKEN</p> <p>a. Measures :</p> <p>b. Extent of the measures :</p> <p>QUARANTINE IMPOSED</p> <p>c. Begin date : d. Anticipated end date :</p> <p>e. Actual end date :</p> <p>f. Country + g. place of quarantine :</p>	<p>16. FREE TEXT</p>
<p>17. INFORMATION ON THE INTERCEPTION</p> <p>a. Place/check point :</p> <p>b. Official service :</p> <p>c. Date :</p>	<p>18. SENDER OF THE MESSAGE</p> <p>a. Official service + b. official stamp :</p> <p>c. Person responsible for the file :</p> <p>d. Date :</p>