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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1768/92**of 18 June 1992****concerning the creation of a supplementary protection certificate for medicinal products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas pharmaceutical research plays a decisive role in the continuing improvement in public health;

Whereas medicinal products, especially those that are the result of long, costly research will not continue to be developed in the Community and in Europe unless they are covered by favourable rules that provide for sufficient protection to encourage such research;

Whereas at the moment the period that elapses between the filing of an application for a patent for a new medicinal product and authorization to place the medicinal product on the market makes the period of effective protection under the patent insufficient to cover the investment put into the research;

Whereas this situation leads to a lack of protection which penalizes pharmaceutical research;

Whereas the current situation is creating the risk of research centres situated in the Member States relocating to countries that already offer greater protection;

Whereas a uniform solution at Community level should be provided for, thereby preventing the heterogeneous development of national laws leading to further disparities which would be likely to create obstacles to the free

movement of medicinal products within the Community and thus directly affect the establishment and the functioning of the internal market;

Whereas, therefore, the creation of a supplementary protection certificate granted, under the same conditions, by each of the Member States at the request of the holder of a national or European patent relating to a medicinal product for which marketing authorization has been granted is necessary; whereas a Regulation is therefore the most appropriate legal instrument;

Whereas the duration of the protection granted by the certificate should be such as to provide adequate effective protection; whereas, for this purpose, the holder of both a patent and a certificate should be able to enjoy an overall maximum of fifteen years of exclusivity from the time the medicinal product in question first obtains authorization to be placed on the market in the Community;

Whereas all the interests at stake, including those of public health, in a sector as complex and sensitive as the pharmaceutical sector must nevertheless be taken into account; whereas, for this purpose, the certificate cannot be granted for a period exceeding five years; whereas the protection granted should furthermore be strictly confined to the product which obtained authorization to be placed on the market as a medicinal product;

Whereas a fair balance should also be struck with regard to the determination of the transitional arrangements; whereas such arrangements should enable the Community pharmaceutical industry to catch up to some extent with its main competitors who, for a number of years, have been covered by laws guaranteeing them more adequate protection, while making sure that the arrangements do not compromise the achievement of other legitimate objectives concerning the health policies pursued both at national and Community level;

Whereas the transitional arrangements applicable to applications for certificates filed and to certificates granted under national legislation prior to the entry into force of this Regulation should be defined;

⁽¹⁾ OJ No C 114, 8. 5. 1990, p. 10.

⁽²⁾ OJ No C 19, 28. 1. 1991, p. 94 and
OJ No C 150, 15. 6. 1992.

⁽³⁾ OJ No C 69, 18. 3. 1991, p. 22.

Whereas special arrangements should be allowed in Member States whose laws introduced the patentability of pharmaceutical products only very recently;

Whereas provision should be made for appropriate limitation of the duration of the certificate in the special case where a patent term has already been extended under a specific national law,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation:

- (a) 'medicinal product' means any substance or combination of substances presented for treating or preventing disease in human beings or animals and any substance or combination of substances which may be administered to human beings or animals with a view to making a medical diagnosis or to restoring, correcting or modifying physiological functions in humans or in animals;
- (b) 'product' means the active ingredient or combination of active ingredients of a medicinal product;
- (c) 'basic patent' means a patent which protects a product as defined in (b) as such, a process to obtain a product or an application of a product, and which is designated by its holder for the purpose of the procedure for grant of a certificate;
- (d) 'certificate' means the supplementary protection certificate.

Article 2

Scope

Any product protected by a patent in the territory of a Member State and subject, prior to being placed on the market as a medicinal product, to an administrative authorization procedure as laid down in Council Directive 65/65/EEC⁽¹⁾ or Directive 81/851/EEC⁽²⁾ may, under the terms and conditions provided for in this Regulation, be the subject of a certificate.

Article 3

Conditions for obtaining a certificate

A certificate shall be granted if, in the Member State in which the application referred to in Article 7 is submitted and at the date of that application:

- (a) the product is protected by a basic patent in force;
- (b) a valid authorization to place the product on the market as a medicinal product has been granted in accordance with Directive 65/65/EEC or Directive 81/851/EEC, as appropriate;
- (c) the product has not already been the subject of a certificate;
- (d) the authorization referred to in (b) is the first authorization to place the product on the market as a medicinal product.

Article 4

Subject-matter of protection

Within the limits of the protection conferred by the basic patent, the protection conferred by a certificate shall extend only to the product covered by the authorization to place the corresponding medicinal product on the market and for any use of the product as a medicinal product that has been authorized before the expiry of the certificate.

Article 5

Effects of the certificate

Subject to the provisions of Article 4, the certificate shall confer the same rights as conferred by the basic patent and shall be subject to the same limitations and the same obligations.

Article 6

Entitlement to the certificate

The certificate shall be granted to the holder of the basic patent or his successor in title.

Article 7

Application for a certificate

1. The application for a certificate shall be lodged within six months of the date on which the authorization referred to in Article 3 (b) to place the product on the market as a medicinal product was granted.

2. Notwithstanding paragraph 1, where the authorization to place the product on the market is granted before the basic patent is granted, the application for a certificate shall be lodged within six months of the date on which the patent is granted.

⁽¹⁾ OJ No L 22, 9. 12. 1965, p. 369. Last amended by Directive 89/341/EEC (OJ No L 142, 25. 5. 1989, p. 11).

⁽²⁾ OJ No L 317, 6. 11. 1981, p. 1. Amended by Directive 90/676/EEC (OJ No L 373, 31. 12. 1990, p. 15).

*Article 8***Content of the application for a certificate**

1. The application for a certificate shall contain :

- (a) a request for the grant of a certificate, stating in particular :
 - (i) the name and address of the applicant ;
 - (ii) if he has appointed a representative, the name and address of the representative ;
 - (iii) the number of the basic patent and the title of the invention ;
 - (iv) the number and date of the first authorization to place the product on the market, as referred to in Article 3 (b) and, if this authorization is not the first authorization for placing the product on the market in the Community, the number and date of that authorization ;
 - (b) a copy of the authorization to place the product on the market, as referred to in Article 3 (b), in which the product is identified, containing in particular the number and date of the authorization and the summary of the product characteristics listed in Article 4a of Directive 65/65/EEC or Article 5a of Directive 81/851/EEC ;
 - (c) if the authorization referred to in (b) is not the first authorization for placing the product on the market as a medicinal product in the Community, information regarding the identity of the product thus authorized and the legal provision under which the authorization procedure took place, together with a copy of the notice publishing the authorization in the appropriate official publication.
2. Member States may provide that a fee is to be payable upon application for a certificate.

*Article 9***Lodging of an application for a certificate**

1. The application for a certificate shall be lodged with the competent industrial property office of the Member State which granted the basic patent or on whose behalf it was granted and in which the authorization referred to in Article 3 (b) to place the product on the market was obtained, unless the Member State designates another authority for the purpose.
2. Notification of the application for a certificate shall be published by the authority referred to in paragraph 1. The notification shall contain at least the following information :
- (a) the name and address of the applicant ;
 - (b) the number of the basic patent ;

- (c) the title of the invention ;
- (d) the number and date of the authorization to place the product on the market, referred to in Article 3 (b), and the product identified in that authorization ;
- (e) where relevant, the number and date of the first authorization to place the product on the market in the Community.

*Article 10***Grant of the certificate or rejection of the application**

1. Where the application for a certificate and the product to which it relates meet the conditions laid down in this Regulation, the authority referred to in Article 9 (1) shall grant the certificate.
2. The authority referred to in Article 9 (1) shall, subject to paragraph 3, reject the application for a certificate if the application or the product to which it relates does not meet the conditions laid down in this Regulation.
3. Where the application for a certificate does not meet the conditions laid down in Article 8, the authority referred to in Article 9 (1) shall ask the applicant to rectify the irregularity, or to settle the fee, within a stated time.
4. If the irregularity is not rectified or the fee is not settled under paragraph 3 within the stated time, the authority shall reject the application.
5. Member States may provide that the authority referred to in Article 9 (1) is to grant certificates without verifying that the conditions laid down in Article 3 (c) and (d) are met.

*Article 11***Publication**

1. Notification of the fact that a certificate has been granted shall be published by the authority referred to in Article 9 (1). The notification shall contain at least the following information :
- (a) the name and address of the holder of the certificate ;
 - (b) the number of the basic patent ;
 - (c) the title of the invention ;
 - (d) the number and date of the authorization to place the product on the market referred to in Article 3 (b) and the product identified in that authorization ;
 - (e) where relevant, the number and date of the first authorization to place the product on the market in the Community ;
 - (f) the duration of the certificate.

2. Notification of the fact that the application for a certificate has been rejected shall be published by the authority referred to in Article 9 (1). The notification shall contain at least the information listed in Article 9 (2).

Article 12

Annual fees

Member States may require that the certificate be subject to the payment of annual fees.

Article 13

Duration of the certificate

1. The certificate shall take effect at the end of the lawful term of the basic patent for a period equal to the period which elapsed between the date on which the application for a basic patent was lodged and the date of the first authorization to place the product on the market in the Community reduced by a period of five years.

2. Notwithstanding paragraph 1, the duration of the certificate may not exceed five years from the date on which it takes effect.

Article 14

Expiry of the certificate

The certificate shall lapse :

- (a) at the end of the period provided for in Article 13 ;
- (b) if the certificate-holder surrenders it ;
- (c) if the annual fee laid down in accordance with Article 12 is not paid in time ;
- (d) if and as long as the product covered by the certificate may no longer be placed on the market following the withdrawal of the appropriate authorization or authorizations to place on the market in accordance with Directive 65/65/EEC or Directive 81/851/EEC. The authority referred to in Article 9 (1) may decide on the lapse of the certificate either of its own motion or at the request of a third party.

Article 15

Invalidity of the certificate

1. The certificate shall be invalid if :
- (a) it was granted contrary to the provisions of Article 3 ;
 - (b) the basic patent has lapsed before its lawful term expires ;
 - (c) the basic patent is revoked or limited to the extent that the product for which the certificate was granted would no longer be protected by the claims of the basic patent or, after the basic patent has expired, grounds for revocation exist which would have justified such revocation or limitation.

2. Any person may submit an application or bring an action for a declaration of invalidity of the certificate before the body responsible under national law for the renovation of the corresponding basic patent.

Article 16

Notification of lapse or invalidity

If the certificate lapses in accordance with Article 14 (b), (c) or (d) or is invalid in accordance with Article 15, notification thereof shall be published by the authority referred to in Article 9 (1).

Article 17

Appeals

The decisions of the authority referred to in Article 9 (1) or of the body referred to in Article 15 (2) taken under this Regulation shall be open to the same appeals as those provided for in national law against similar decisions taken in respect of national patents.

Article 18

Procedure

1. In the absence of procedural provisions in this Regulation, the procedural provisions applicable under national law to the corresponding basic patent shall apply to the certificate, unless that law lays down special procedural provisions for certificates.

2. Notwithstanding paragraph 1, the procedure for opposition to the granting of a certificate shall be excluded.

Article 19

Transitional provisions

1. Any product which, on the date on which this Regulation enters into force, is protected by a valid basic patent and for which the first authorization to place it on the market as a medicinal product in the Community was obtained after 1 January 1985 may be granted a certificate.

In the case of certificates to be granted in Denmark and in Germany, the date of 1 January 1985 shall be replaced by that of 1 January 1988.

In the case of certificates to be granted in Belgium and in Italy, the date of 1 January 1985 shall be replaced by that of 1 January 1982.

2. An application for a certificate as referred to in paragraph 1 shall be submitted within six months of the date on which this Regulation enters into force.

Article 20

This Regulation shall not apply to certificates granted in accordance with the national legislation of a Member State before the date on which this Regulation enters into force or to applications for a certificate filed in accordance with that legislation before the date of publication of this Regulation in the *Official Journal of the European Communities*.

Article 21

In those Member States whose national law did not on 1 January 1990 provide for the patentability of pharmaceutical products, this Regulation shall apply five years after the entry into force of this Regulation.

Article 19 shall not apply in those Member States.

Article 22

Where a certificate is granted for a product protected by a patent which, before the date on which this Regulation

enters into force, has had its term extended or for which such extension was applied for, under national patent law, the term of protection to be afforded under this certificate shall be reduced by the number of years by which the term of the patent exceeds 20 years.

FINAL PROVISION*Article 23***Entry into force**

This Regulation shall enter into force six months 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 Luxembourg, 18 June 1992.

For the Council

The President

Vitor MARTINS

COUNCIL REGULATION (EEC) No 1769/92

of 29 June 1992

amending Regulation (EEC) No 1768/89 in respect of the definitive anti-dumping duty on certain imports of video cassettes originating in Hong Kong

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

II. REVIEW PROCEDURE

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⁽¹⁾, and in particular Article 14 thereof,

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

Whereas :

- (3) By a notice published in the Official Journal⁽²⁾ on 12 October 1991, the Commission, after consultation within the Advisory Committee and in accordance with Article 14 of Regulation (EEC) No 2423/88 initiated a review of Regulation (EEC) No 1768/89 as it concerned a Hong Kong company, Bico Magnetics Ltd. That company had submitted that it had not exported the products subject to the anti-dumping duty during the original period of investigation (1 January to 30 November 1987). In addition, it submitted that it was not related to any of the companies in respect of which dumping was found to have occurred in the previous investigation. Moreover, no evidence was found that it had ever exported video cassettes to the Community. Accordingly, the Commission commenced an investigation in order to verify whether Bico Magnetics Ltd could be considered as a newcomer and to establish a dumping margin, if any, for that company.

I. PREVIOUS PROCEDURE**III. RESULTS OF THE INVESTIGATION**

- (1) By Regulation (EEC) No 1768/89⁽³⁾, the Council imposed a definitive anti-dumping duty of 21,9 % on imports of VHS video tape in cassettes (hereinafter referred to as 'video cassettes') falling within CN code ex 8523 13 00 and originating in Hong Kong, with the exception of imports from several exporters especially mentioned which were subject to a lesser rate of duty or exempt from duty.
- (2) In recital 43 of Regulation (EEC) No 1768/89, concerning companies which started or will start exporting own-produced video cassettes to the Community after the investigation period (newcomers), the Council noted that the Commission is ready to initiate without delay a review proceeding if the exporting company can show the Commission, and supply to that effect sufficient evidence, that it did not export the products concerned to the Community during the period of investigation. The company also has to demonstrate that it started or will start those exports after the said period and that it is not related to or associated with any of the companies subject to the investigation.

1. Newcomer

- (4) The investigation showed that Bico Magnetics Ltd had not previously exported or produced video cassettes which were exported to the Community and was now about to begin such exports. In addition, it was found that this company had no link of any sort with the exporters involved in the previous procedure and for which dumping was found to have occurred. The Council confirms that it should accordingly be considered as a newcomer and that a partial review of Regulation (EEC) No 1768/89, inasmuch as it concerned Bico Magnetics Ltd, was warranted.

2. Normal value

- (5) Since Bico Magnetics Ltd did not sell any video cassettes on the domestic market during the investigation period for this review (from 1 January to 30 June 1991), normal value was determined on the basis of the constructed value of the product concerned in accordance with Article 2 (3) (b) of

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 174, 22. 6. 1989, p. 1. As amended by Regulation (EEC) No 3522/90 (OJ No L 343, 7. 12. 1990, p. 1.)

⁽³⁾ OJ No C 266, 12. 10. 1991, p. 7.

Regulation (EEC) No 2423/88. This constructed value was computed on the basis of all costs, both fixed and variable, in the country of origin of materials and manufacture for the models to be exported to the Community plus a reasonable amount for selling, administrative, other general expenses and profit.

- (6) As far as selling, administrative and general expenses were concerned, they were calculated by reference to such expenses as they were stated in the audited accounts of Bico Magnetics Ltd. These costs corresponded to such costs incurred by other Hong Kong manufacturers for their sales of video cassettes on the domestic market, as established during previous investigations concerning video cassettes from Hong Kong.

As far as profit was concerned, it was found appropriate to apply a profit rate of 8 % on turnover; this rate was used in Regulation (EEC) No 1768/89 for the Hong Kong video cassette manufacturers and, according to the information available to the Commission, can still be regarded as the profit which Hong Kong companies can normally achieve on their domestic market. The Council confirms these findings.

- (7) On this basis, normal value was established for the models produced and destined for export to the Community by Bico Magnetics Ltd, namely normal grade.

3. Measures

- (8) Since it was found that Bico Magnetics Ltd had not exported video cassettes to the Community, no export price could be established for the product under consideration, and no dumping margin could be calculated.
- (9) However, it is clear that if the export prices of the various models of video cassettes sold for export to the Community by Bico Magnetics Ltd at least

equalled the normal value for the corresponding models, these products would not be dumped.

- (10) In addition, this normal value is less than the target price determined for the Community industry in Regulation (EEC) No 1768/89.
- (11) In these circumstances, it is considered that the measures to be imposed in respect of the imports to the Community of video cassettes produced by Bico Magnetics Ltd, should guarantee that the products are not sold to the Community at less than their normal value.

IV. AMENDMENT OF THE REVIEWED MEASURES

- (12) Accordingly, it is considered appropriate that Regulation (EEC) No 1768/89 should be amended and that Bico Magnetics Ltd be exempted from the definitive anti-dumping duty imposed on VHS video tapes in cassettes originating in Hong Kong in respect of the models E60, E90, E120, E180, E195 and E240, in normal grade, insofar as these models will be subject to a duty equal to the difference between minimum price set out for each of these models and their net price, free-at-Community frontier, before duty. The minimum price corresponds to the normal value duly adjusted to bring it to cif level.
- (13) Bico Magnetics Ltd was informed of the essential facts and considerations on the basis of which the imposition of the anti-dumping duties was proposed, and was given an opportunity to comment on the proposal. No comments were made by exporting producer concerned.
- (14) The complainants were also informed of the considerations and main facts on the basis of which the Council intended to amend Regulation (EEC) No 1768/89 and had not comment to make.
- (15) Since this review is only limited to one Hong Kong producer, it does not prolong the validity of Regulation (EEC) No 1768/89 with regard to Article 15 (1) of Regulation (EEC) No 2423/88,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 1 (3) of Regulation (EEC) No 1768/89:

'The entry specified in paragraph 2 (b) shall not apply to models of video tapes in cassettes E60-E90-E120, E180-E195-E240 in normal grade manufactured and sold for

export to the Community by Bico Magnetics Ltd, Hong Kong (Taric additional Code 8292); these models shall be subject to an anti-dumping duty equal to the difference between the price specified below for each of the models concerned and their net price, free-at-Community-frontier, before duty for those models :

E60	E90	E120	E180	E195	E240
ECU 0,70	ECU 0,83	ECU 0,96	ECU 1,22	ECU 1,29	ECU 1,48'

Article 2

This Regulation shall enter into force on the day following that 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 Luxembourg, 29 June 1992.

For the Council

The President

Jorge BRAGA DE MACEDO

COUNCIL REGULATION (EEC) No 1770/92

of 30 June 1992

opening and providing for the administration of Community tariff quotas for quality wines produced in the specified regions of Jerez, Málaga, Jumilla, Priorato, Rioja and Valdepeñas (second half of 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 30 and 75 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Articles 30 and 75 of the Act of Accession, the duties applicable on the import into the Community, as constituted on 31 December 1985, of the following quality wines from Spain shall be progressively abolished within the limits of annual Community tariff quotas :

- 358 120 hectolitres quality wines produced in the specified region of Jerez in containers holding two litres or less, falling within CN codes ex 2204 21 41 and ex 2204 21 51,
- 435 000 hectolitres quality wines produced in the specified region of Jerez in containers holding more than two litres falling within CN codes ex 2204 29 41 and ex 2204 29 51,
- 15 000 hectolitres quality wines produced in the specified region of Málaga in containers holding two litres or less, falling within CN codes ex 2204 21 49 and ex 2204 21 59, and
- 22 008 hectolitres quality wines produced in the specified regions of Jumilla, Priorato, Rioja and Valdepeñas, in containers holding two litres or less, falling within CN codes ex 2204 21 21, ex 2204 21 23, ex 2204 21 31, ex 2204 21 33 and ex 2204 21 49 ;

Whereas, however, with regard to the quality wines produced in the specified region of Jerez, in order to fulfil better the requirements of the common market, a single overall tariff quota should be opened ; whereas by Regulation (EEC) No 1516/91 ⁽¹⁾ these quotas shall be open until 30 June 1992 ;

Whereas these duties are reduced to 12,5 % of the basic duties on 1 January 1992 and to 0 % of the basic duties on 1 January 1993 ; whereas, in consequence, the volume of the abovementioned quotas should be reduced, *pro rata temporis*, to cover only the period from 1 July to 31 December 1992, taking into account the average

percentage represented by the quantities actually imported during the three previous quota periods for which statistics are available, namely the second halves of 1989, 1990 and 1991 ; whereas, by way of derogation from Article 30 of the Act of Accession, Regulation (EEC) No 4161/87 ⁽²⁾ lays down consequent on the entry into force of the combined nomenclature, the basic duties to be adopted within the Community as constituted on 31 December 1985 for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal ; whereas, therefore, to establish the duties applicable on the imports of these wines Community tariff quotas should be opened for the abovementioned period for the abovementioned wines at duties as shown in the list in Article 1 ;

Whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽³⁾ provides for particular rules for the import into Portugal of the products in question coming from Spain ; whereas, consequently, the Community tariff quotas are only applicable in the Community as constituted on 31 December 1985 ;

Whereas, pursuant to Commission Regulation (EEC) No 2573/90 of 5 September 1990 totally suspending certain customs duties applicable by the Community of Ten to imports from Spain and Portugal ⁽⁴⁾, the said duties are, as concerns the products referred to in Annex II to the Treaty, totally suspended once they reach a level of 2 % or less ; whereas it is therefore necessary to apply a duty equal to zero where the value of the specific customs duties does not exceed 2 % *ad valorem* ;

Whereas equal and continuous access to the quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted ; whereas they should not be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under conditions and according to a procedure laid down in

⁽¹⁾ OJ No L 142, 6. 6. 1991, p. 4.

⁽²⁾ OJ No L 395, 31. 12. 1987, p. 1.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 243, 6. 9. 1990, p. 19.

Article 3 ; whereas this method of administration requires close cooperation between the Member States and the Commission ;

HAS ADOPTED THIS REGULATION :

Article 1

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

From 1 July to 31 December 1992 the customs duties applicable on the following quality wines produced in the specified regions shall, in the Community as constituted on 31 December 1985, be partially suspended at the levels and within the limits of the Community tariff quotas indicated for each of them :

Order No	CN codes ⁽¹⁾	Description	Rate (ECU/hl)	Quota volume (hectolitres)
			from 1 July to 31 December 1992 ⁽²⁾	
09.0317	{ ex 2204 21 41 ex 2204 21 51 ex 2204 29 41 ex 2204 29 51	Sherry	0,8	} 455 694
			0,8	
			0,8	
			0,9	
09.0310	ex 2204 21 49 ex 2204 21 59	Wine from Málaga	1,2	} 5 713
			1,4	
09.0312	{ ex 2204 21 21 ex 2204 21 23 ex 2204 21 31 ex 2204 21 33 ex 2204 21 49	Wine from Jumilla, Priorato, Rioja, Valdepeñas	1,2	} 11 393
			1,4	
			1,8	

⁽¹⁾ See Taric codes in Annex.

⁽²⁾ These specific customs duties are collected only when their value is greater than 2 % *ad valorem*.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

the Member States concerned to the extent that the available balance so permits.

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

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

Article 3

If an importer presents in a Member State a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding amount.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volumes so permits.

Article 5

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

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

Article 6

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of

This Regulation shall enter into force on 1 July 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

ANNEX

Taric codes

Order No	CN code	Taric code
09.0317	ex 2204 21 41	2204 21 41*10
	ex 2204 21 51	2204 21 51*10
	ex 2204 29 41	2204 29 41*10
	ex 2204 29 51	2204 29 51*10
09.0310	ex 2204 21 49	2204 21 49*12
	ex 2204 21 59	2204 21 59*12
09.0312	ex 2204 21 21	2204 21 21*10
	ex 2204 21 23	2204 21 23*10
	ex 2204 21 31	2204 21 31*10
	ex 2204 21 33	2204 21 33*10
	ex 2204 21 49	2204 21 49*21

COUNCIL REGULATION (EEC) No 1771/92

of 30 June 1992

opening and providing for the administration of Community tariff quotas for frozen hake fillets and for processing work in respect of certain textile products under Community outward processing arrangements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the framework of its external relations, to open each year for periods of, respectively, 1 July to 31 December and 1 September to 31 August of the following year, Community tariff quotas for 5 000 tonnes at 10 % duty for frozen fillets of hake presented in the form of industrial blocks with bones ('standard') and, after various adaptations, a duty-free Community tariff quota for ECU 1 870 000 of added value for various kinds of processing work in respect of certain textile products under outward processing arrangements; whereas the tariff quotas in question should accordingly be opened for the agreed periods and in accordance with the agreed elements;

Whereas provision should be made in particular to ensure equal and continuous access for those concerned to the quotas in question and consistent application, until the quotas are exhausted, of the rate prescribed for the said

quotas to all goods which are imported or re-imported into any of the Member States and which meet the prescribed conditions; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports or re-imports;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July to 31 December 1992 the customs duty applicable to the import of the products listed below shall be suspended at the levels and within the limit of the Community tariff quota shown herewith:

Order No	CN code (¹)	Description	Amount of quota (tonnes)	Quota duty (%)
09.0037	ex 0304 20 57	Frozen fillets of hake (<i>Merluccius</i> spp.) presented in the form of industrial blocks with bones ('standard')	5 000	10

(¹) Taric codes 0304 20 57 * 31 and 0304 20 57 * 39.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of fillets of hake shall benefit from the relevant quota fixed in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 24 of Regulation (EEC) No 3687/91 (¹), is at least equal to the reference price.

equal or lower customs duty under other preferential tariff treatment.

Article 2

3. Imports of these products shall not be charged against this tariff quota if they are already eligible for an

1. From 1 September 1992 to 31 August 1993 the customs duties applicable to re-imports of the following products shall be totally suspended within the limit of the Community tariff quota shown herewith:

(¹) OJ No L 354, 23. 12. 1991, p. 1.

Order No	CN code	Description	Volume of tariff quota
09.2501		<p>Goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles as follows :</p> <p>(a) processing work on woven fabrics falling within Chapters 50 to 55 and CN code 5809 00 00</p> <p>(b) twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 55 and CN code 5605 00 00</p> <p>(c) processing work on products falling within the following CN codes :</p> <p>5606 00 Gimped yarn, and strip and the like of code 5404 or 5405, gimped (other than those of code 5605 and gimped horsehair yarn) : chenille yarn (including flock chenille yarn) ; loop wale-yarn :</p> <p>— Other :</p> <p>5606 00 91 — — Gimped yarn</p> <p>5606 00 99 — — Other</p> <p>5801 Woven pile fabrics and chenille fabrics, other than fabrics of code 5802 or 5806 :</p> <p>5801 10 00 — Of wool or fine animal hair</p> <p>— Of cotton :</p> <p>5801 22 00 — — Cut corduroy</p> <p>5801 23 00 — — Other weft pile fabrics</p> <p>5801 24 00 — — Warp pile fabrics, épinglé (uncut)</p> <p>5801 25 00 — — Warp pile fabrics, cut</p> <p>5801 26 00 — — Chenille fabrics</p> <p>— Of man-made fibres :</p> <p>5801 32 00 — — Cut corduroy</p> <p>5801 33 00 — — Other weft pile fabrics</p> <p>5801 34 00 — — Warp pile fabrics, épinglé (uncut)</p> <p>5801 35 00 — — Warp pile fabrics, cut</p> <p>5801 36 00 — — Chenille fabrics</p> <p>5801 90 — Of other textile materials :</p> <p>5801 90 10 — — Of flax</p> <p>5801 90 90 — — Other</p> <p>5802 Terry towelling and similar woven terry fabrics, other than narrow fabrics of code 5806 ; tufted textile fabrics, other than products of code 5703</p> <p>5804 Tulles and other net fabrics, not including woven, knitted or crocheted fabrics ; lace in the piece, in strips or in motifs</p> <p>5806 Narrow woven fabrics, other than goods of code 5807 ; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)</p> <p>5808 Braids in the piece ; ornamental trimmings in the piece, without embroidery other than knitted or crocheted ; tassels, pompoms and similar articles</p> <p>6001 Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or crocheted</p> <p>6002 Other knitted or crocheted fabrics</p>	<p>ECU 1 870 000 of value added</p>

2. For the purposes of this Article :

(a) 'processing work' shall mean :

- for the purposes of paragraph 1 (a) and (c) appearing in the table : bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,

- for the purposes of paragraph 1 (b) appearing in the table : twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature ;

- (b) 'value added' shall mean the difference between the value for customs purposes as defined in Community

regulations on this subject at the time of re-importation and the value for customs purposes as it would be if the products were re-imported in the state in which they were exported.

3. Re-imports of products, resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

Article 3

Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions of the Act of Accession and, where appropriate, of the Protocols concluded by reason of that accession.

Article 4

The tariff quota referred to in Articles 1 and 2 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 5

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the

tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

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

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

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

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

Article 6

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quotas for such times as the balance of the tariff quota so permits.

Article 7

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

Article 8

This Regulation shall enter into force on 1 July 1992.

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

Done at Luxembourg, 30 June 1992.

For the Council

The President

Arlindo MARQUES CUNHA

COMMISSION REGULATION (EEC) No 1772/92

of 1 July 1992

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 13 (5) thereof,

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

Whereas the first subparagraph of Article 13 (1) of Regulation (EEC) No 2727/75 provides that a levy must be charged on imports of the products listed in Article 1 (a), (b) and (c) of that Regulation; whereas the levy is equal for each product to the threshold price less the cif price;

Whereas, the threshold prices for cereals and for wheat and rye flour, and wheat groats and meal, were fixed for 1992/93, marketing year by Council Regulations (EEC) No 2734/75⁽⁵⁾, (EEC) No 1739/92⁽⁶⁾, (EEC) No 1742/92⁽⁷⁾ and Commission Regulation (EEC) No 1801/92⁽⁸⁾;

Whereas Commission Regulation (EEC) No 1737/92⁽⁹⁾ provisionally fixed the import levies on cereals and on wheat and rye flour, groats and meal as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation

No 156/67/EEC⁽¹⁰⁾, as last amended by Regulation (EEC) No 31/76⁽¹¹⁾, and in particular the most favourable purchasing opportunities on the world market among those which are most representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal disturbances on the Community market; whereas the quality of the goods offered must also be taken into account, whether this quality corresponds to the standard quality fixed in Council Regulations (EEC) No 2731/75⁽¹²⁾, as last amended by Regulation (EEC) No 2094/87⁽¹³⁾, and (EEC) No 2734/75, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Commission Regulations No 158/67/EEC⁽¹⁴⁾, as last amended by Regulation (EEC) No 2644/91⁽¹⁵⁾, and No 159/67/EEC⁽¹⁶⁾;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas Council Regulations (EEC) No 518/92⁽¹⁷⁾, (EEC) No 519/92⁽¹⁸⁾ and (EEC) No 520/92⁽¹⁹⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 585/92⁽²⁰⁾, as amended by Regulation (EEC) No 955/92⁽²¹⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 34.

⁽⁶⁾ OJ No L 180, 1. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 6.

⁽⁸⁾ See page 83 of this Official Journal.

⁽⁹⁾ OJ No L 179, 1. 7. 1992, p. 126.

⁽¹⁰⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹¹⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹²⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽¹³⁾ OJ No L 196, 17. 7. 1987, p. 1.

⁽¹⁴⁾ OJ No 128, 27. 6. 1967, p. 2536/67.

⁽¹⁵⁾ OJ No L 247, 5. 9. 1991, p. 23.

⁽¹⁶⁾ OJ No 128, 27. 6. 1967, p. 2542/67.

⁽¹⁷⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽¹⁸⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽¹⁹⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽²⁰⁾ OJ No L 62, 7. 3. 1992, p. 40.

⁽²¹⁾ OJ No L 102, 16. 4. 1992, p. 26.

Whereas Council Regulation (EEC) No 715/90 ⁽¹⁾, as last amended by Regulation (EEC) No 444/92 ⁽²⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽³⁾, no levies shall apply on imports of products originating in the overseas countries and territories ; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985 ;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official*

Journal of the European Communities, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

Whereas these exchange rates being those recorded on 30 June 1992 ;

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy ; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽⁴⁾ ;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as set out in the Annex thereto ; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by ECU 0,73 or more,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

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

It shall apply with effect from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 1.

ANNEX

to the Commission Regulation of 1 July 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (*)
0709 90 60	139,72 ⁽²⁾ ⁽³⁾
0712 90 19	139,72 ⁽²⁾ ⁽³⁾
1001 10 10	155,97 ⁽¹⁾ ⁽²⁾ ⁽¹⁰⁾
1001 10 90	155,97 ⁽¹⁾ ⁽²⁾ ⁽¹⁰⁾
1001 90 91	131,16
1001 90 99	131,16 ⁽¹¹⁾
1002 00 00	151,27 ⁽⁴⁾
1003 00 10	123,30
1003 00 90	123,30 ⁽¹¹⁾
1004 00 10	106,79
1004 00 90	106,79
1005 10 90	139,72 ⁽²⁾ ⁽³⁾
1005 90 00	139,72 ⁽²⁾ ⁽³⁾
1007 00 90	145,21 ⁽⁴⁾
1008 10 00	47,36 ⁽¹¹⁾
1008 20 00	98,90 ⁽⁴⁾
1008 30 00	45,23 ⁽²⁾
1008 90 10	(7)
1008 90 90	45,23
1101 00 00	196,62 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	224,78 ⁽⁸⁾
1103 11 10	255,78 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	212,35 ⁽⁸⁾

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1773/92

of 1 July 1992

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 15 (6) thereof,

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

Whereas the scale of premiums to be added to the import levies fixed in advance for cereals must include a premium for the current month and a premium for each of the three following months; whereas the amount of each premium must be the same throughout the Community;

Whereas Regulation (EEC) No 2745/75 of the Council⁽⁵⁾ laid down rules for the advance fixing of levies on cereals;

Whereas, under the terms of that Regulation, where the cif price for a cereal determined on the day on which the scale of premiums is fixed is higher than the cif forward delivery price for that cereal, the scale of the premium should, as a general rule, be equal to the difference between these two prices; whereas the cif price is that determined in accordance with Article 13 of Regulation (EEC) No 2727/75 on the day on which the scale of premiums is fixed; whereas the cif forward delivery price is also determined in accordance with Article 13 of Regulation (EEC) No 2727/75 but on the basis of offers at North Sea ports; whereas this price must be the cif price for shipment during the month in which the import licence is issued in the case of imports to be effected during that month; whereas, in the case of imports to be effected during the month following the month in which the import licence is issued, this price must be the cif price for shipment during that month; whereas, in the case of imports to be effected during the last two months for which the import licence is valid, this price must be

the cif price for shipment during the month preceding the month in which importation is expected to take place;

Whereas this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place in the case of imports to be effected during the last two months for which the import licence is valid;

Whereas the premium shall be ECU 0 if the cif price determined on the day on which the premiums are fixed is equal to the cif forward delivery price or exceeds that price by not more than ECU 0,151 per tonne;

Whereas the premium may, however, be fixed at a higher level in exceptional circumstances and within certain specific limits;

Whereas Article 3 of CN code Regulation (EEC) No 1579/74 of the Commission of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and rice and for the advance fixing of this levy for these products and for compound feeding-stuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No 1740/78⁽⁷⁾, provides for the addition of a premium to the levy fixed in advance for products falling within CN code 1107; whereas this premium is, per 100 kilograms of processed product, equal to the premium applicable on the day of application for an import licence to the quantity of basic product taken as a basis for the calculation of the variable component of the levy;

Whereas, pursuant to Regulation (EEC) No 971/73 of the Commission of 9 April 1973 on the advance fixing of the levy on wheat and meslin flour⁽⁸⁾, a premium is added to the levy fixed in advance for the products falling within CN code 1101 00 00 referred to in Article 1 (c) of Regulation (EEC) No 2727/75; whereas this premium is, per tonne of processed product, equal to the premium applicable on the date of application for an import licence for the basic product, account being taken of the quantity of the basic cereal required for the production of one tonne of flour;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 76.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 95, 11. 4. 1973, p. 10.

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

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

Whereas these exchange rates being those recorded on 30 June 1992;

Whereas it follows from applying all these provisions that the premiums should be as set out in the Annex hereto;

whereas the amount of the premiums should be altered only if application of the abovementioned provisions entails a change of more than 0,151 ECU,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out 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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 July 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	7	8	9	10
0709 90 60	0	0	0	0,39
0712 90 19	0	0	0	0,39
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,39
1005 90 00	0	0	0	0,39
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

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 1774/92
of 1 July 1992
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1612/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1612/92 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas by its Regulation (EEC) No 1432/92 ⁽⁴⁾ the Council prohibited trade between the Community and

the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds,

HAS ADOPTED THIS REGULATION:

Article 1

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, as fixed in the Annex to Regulation (EEC) No 1612/92 are hereby altered to the amounts shown in the Annex hereto.
2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 2 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 170, 25. 6. 1992, p. 12.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 4.

ANNEX

to the Commission Regulation of 1 July 1992 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	36,14 ⁽¹⁾	
1701 11 90 910	33,14 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	36,14 ⁽¹⁾	
1701 12 90 910	33,14 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3929
1701 99 10 100	39,29	
1701 99 10 910	39,79	
1701 99 10 950	38,29	
1701 99 90 100		0,3929

⁽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, as amended by Regulation (EEC) No 3251/85.

COMMISSION DECISION No 1775/92/ECSC

of 30 June 1992

imposing a definitive anti-dumping duty on imports of certain semi-finished products of alloy steel, originating in Turkey and Brazil, definitively collecting the provisional anti-dumping duty imposed on such imports and accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of these products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Articles 10 and 12 thereof,

After consultations within the Advisory Committee as provided for by the above Decision,

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Decision No 891/92/ECSC⁽²⁾, imposed a provisional anti-dumping duty on imports of certain semi-finished products of alloy steel, originating in Turkey and Brazil.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, some exporters requested and were granted an opportunity to be heard by the Commission or made submissions expressing their views on the duty.
- (3) Upon request, the parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the

Commission's findings were modified to take account of them.

C. PRODUCT UNDER CONSIDERATION

- (5) After the imposition of provisional duties it became apparent that, under the product description given in recital 11 and Article 1 (1) of Decision No 891/92/ECSC, the duties apply to certain semi-finished products of alloy high-speed steel falling within CN code 7224 90 15 to which the investigation did not relate. It is therefore considered appropriate to modify the product description as follows in order to exclude certain alloy high-speed steels from the application of the duty: semi-finished products of alloy steel, of rectangular (including square) cross-section, hot-rolled or obtained by continuous casting, excluding high-speed steel, falling within CN codes 7224 90 09 and ex 7224 90 15.

D. DUMPING

Turkey

- (6) No new evidence on dumping has been received since the imposition of the provisional duty and the Commission therefore considers its findings on dumping as set out in Decision No 891/92/ECSC to be definitive.

Consequently, the preliminary determination on dumping concerning imports from Turkey are confirmed.

Brazil

- (7) On the basis of the dumping calculation described in recitals 15 to 18 and 20 to 25 of Decision No 891/92/ECSC, the Commission provisionally established a different margin of dumping for each of the four Brazilian producers which cooperated during the preliminary investigation.
- (8) As no new evidence on dumping has been received since the imposition of the provisional duty in respect of exports made by Aços Anhanguera

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 18, as corrected in OJ No L 273, 5. 10. 1988, p. 19.

⁽²⁾ OJ No L 95, 9. 4. 1992, p. 26.

(Villares) SA, São Paulo, Brazil and by Aços Finos Piratini SA, Porto Alegre, Brazil, the findings on dumping with regard to exports made by these two producers, as set out in Decision No 891/92/ECSC, are therefore considered to be definitive.

margin is in consequence definitively established at 8,5 % of the cif Community frontier export prices.

E. DUMPING MARGINS

- (9) Regarding the provisional dumping determination for Villares Indústrias de Base SA (Vibasa), this producer claimed that the Commission, in constructing normal value, had included in the global amount of selling, general and administrative expenses added to manufacturing costs, certain directly related selling expenses in the domestic market which were not incurred in export transactions to the Community and requested an adjustment under Article 2 (10) (c) (i) and (v) of Commission Decision No 2424/88/ECSC.
- (10) On the basis of the evidence provided by the exporter, the Commission accepted this claim and amended the calculation of the weighted average dumping margin accordingly to be definitively established at 4,9 % of the cif Community frontier export prices.
- (11) Regarding the provisional dumping determination for Companhia Aços Especiais Itabira (Acesita), it was claimed by the exporter that the Commission had overestimated the impact of inflation on production costs used for the construction of normal value by applying an incorrect index for inflation adjustment.
- (15) The weighted average margins of dumping definitively established and expressed as a percentage of the cif Community frontier export prices are as follows :
- | | |
|--|--------|
| — Asil Celik, Istanbul, Turkey | 33,7 % |
| — Aços Anhanguera (Villares) SA, São Paulo, Brazil | 15,0 % |
| — Aços Especiais Itabira (Acesita), Belo Horizonte, Brazil | 8,5 % |
| — Villares Indústrias de Base SA (Vibasa), São Paulo, Brazil | 4,9 % |
| — Aços Finos Piratini SA, Porto Alegre, Brazil | 1,7 % |
- (16) For those exporters who did not make themselves known in the course of investigation, the Commission based its findings on the facts available in accordance with Article 7 (7) (b) of Decision No 2424/88/ECSC. It is considered appropriate in the present case and in order to avoid circumvention, to use the findings of the investigation and to apply a dumping margin of 33,7 % for Turkey and 15 % for Brazil.

F. INJURY

- (12) The Commission has confirmed that the adjustment index used to bring the export price and production cost to a comparable basis in the month of export excessively inflated production cost. Given the degree of inflation in Brazil, this difference has a significant impact on the result of the dumping calculation and calls for correction.
- (17) As no new evidence regarding injury and causation to the Community industry was received, the Commission confirms the conclusion on injury reached in Decision No 891/92/ECSC.

G. COMMUNITY INTEREST

- (13) It was further claimed and evidence provided that certain items in Acesita's financial expenses were related to other activities in the group, in particular Acesita's holding in affiliated companies and should therefore be considered non-operational with regard to production and sales of the products concerned by the proceeding.
- (14) On the basis of the evidence submitted, the Commission took account of the arguments raised by the exporter and revised the dumping calculation for Acesita. The weighted average dumping
- (18) No observations were received from any user of the products concerned by the present proceeding and subject to provisional anti-dumping duties, within the time limit laid down in Article 2 of Decision No 891/92/ECSC.
- (19) The Commission, therefore, confirms its conclusions that the interests of the Community call for protective measures against dumped imports of semi-finished products of alloy steel, originating in Turkey and Brazil.

H. RATE OF DEFINITIVE DUTY**Turkey**

- (20) With regard to exports from Turkey the provisional findings of the Commission having been confirmed, the rate of the definitive anti-dumping duty should be the same as the amount of the provisional anti-dumping duty.

Brazil

- (21) With the exception of those exports made by Vibasa and Acesita, the provisional findings of the Commission having been confirmed, the rate of the definitive duty should be the same as the rate of the provisional anti-dumping duty.
- (22) With regard to exports made by Vibasa or Acesita and in the light of the findings in recitals (9) to (14), the rate of the definitive duty should be equal to the dumping margin which has finally been calculated on the basis of the new elements presented by the exporters concerned since the injury level as determined in the provisional decision and definitively determined is higher than this margin.

I. UNDERTAKING

- (23) One exporter of the Turkish product, Asil Celik, having been informed that the main findings of the preliminary investigation would be confirmed, offered an undertaking concerning its exports of semi-finished products of alloy steel to the Community.
- (24) The effect of this undertaking will be to revise the export prices of the products concerned to the Community to an extent sufficient to eliminate the injury caused to the Community industry. The Commission believes that, administratively, it will be possible to verify that this undertaking is being respected. In view of this, the Commission considers that the undertaking offered is acceptable.
- (25) Should this undertaking not be complied with or be withdrawn by the producer concerned, the Commission could, in accordance with Article 10 (6) of Commission Decision No 2424/88/ECSC, immediately impose a provisional duty on the basis of the results and conclusions of this investigation. Subsequently, a definitive duty could also be imposed by the Commission on the basis of information gathered in this investigation.
- (26) The Advisory Committee has been consulted in this course of action and has raised no objection.

J. COLLECTION OF PROVISIONAL DUTY

- (27) In view of the dumping margins found and the seriousness of the injury caused to Community producers, it is considered necessary that amounts secured by way of provisional anti-dumping duty should be definitively collected to the extent of the amount of the duty definitively imposed and that amounts exceeding these duties should be released.
- (28) In respect of recital (5), it is appropriate that any securities pledged by way of provisional anti-dumping duty on imports of certain semi-finished products of alloy high-speed steel, falling within CN code ex 7224 90 15 and originating in Turkey and Brazil, be released,

HAS ADOPTED THIS DECISION :

Article 1

The undertaking given by Asil Celik Sanayi ve Ticaret A.S., Istanbul, Turkey, is hereby accepted.

Article 2

1. A definitive anti-dumping duty is hereby imposed on imports of certain semi-finished products of alloy steel, of rectangular (including square) cross-section, hot-rolled or obtained by continuous casting, excluding high-speed steel, falling within CN codes 7224 90 09 and ex 7224 90 15 (Taric code : 7224 90 15*90), originating in Turkey and Brazil.

2. The rate of the definitive duty, based on the free-at-Community-frontier price, not cleared through customs shall be :

- 16,0 % for imports of semi-finished products of alloy steel originating in Turkey (Taric additional code : 8672),
- 15,0 % for imports of semi-finished products of alloy steel originating in Brazil (Taric additional code : 8625).

3. Notwithstanding paragraph 2, the rate of the definitive anti-dumping duty shall be :

- 8,5 % for products concerned manufactured by Aços Especiais Itabira (Acesita), Belo Horizonte, Brazil (Taric additional code : 8670),
- 4,9 % for products concerned manufactured by Villares Indústrias de Base SA (Vibasa), São Paulo, Brazil (Taric additional code : 8624),
- 1,7 % for products concerned manufactured by Aços Finos Piratini SA, Porto Alegre, Brazil (Taric additional code : 8623).

4. Notwithstanding paragraph 2, the duty shall not apply for the products concerned manufactured by Asil Celik Sanayi Ve Ticaret AS, Istanbul, Turkey (Taric additional code : 8671).

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

Article 3

1. The amounts secured by way of provisional anti-dumping duty pursuant to Decision No 891/92/ECSC shall be collected at the rates of duty definitively imposed and any amount secured in excess of the anti-dumping duty definitively imposed shall be released.

2. With regard to the exports made by Asil Celik Sanayi Ve Ticaret AS the amounts secured by way of provisional anti-dumping duty shall be collected in full.

3. The amounts secured by way of provisional anti-dumping duty on imports of semi-finished products of alloy high-speed steel, falling within CN code ex 7224 90 15 shall be released.

Article 4

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

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

Done at Brussels, 30 June 1992.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1776/92

of 30 June 1992

on storage of cereal and rice products in customs warehouses prior to exportation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 16 (6) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 674/92, and in particular Article 17 thereof,Having regard to Council Regulation (EEC) No 2503/88 of 25 July 1988 on customs warehouses ⁽⁴⁾, and in particular Article 18 thereof,Whereas for products placed in a customs warehouses handling is restricted to certain standard operations listed in Article 28 (4) of Commission Regulation (EEC) No 3665/87 ⁽⁵⁾; whereas all other permitted handling must be expressly authorized for each sector in which it is permitted;

Whereas to permit more efficient use of existing storage capacity, for certain cereals and rice sector products storage of more than one lot in the same silo or store should be permitted where the lots are all of the same subheading of the refund nomenclature;

Whereas so that cereals from intervention can be clearly identified storage of these together with Community cereals from the free market should not be permitted;

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

Products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, products of CN codes 1102 and 1107 and products listed in Article 1 (a) of Regulation (EEC) No 1418/76 that are stored in bulk under the customs warehousing or free zone procedures for the purposes of advance payment of the refund under Council Regulation (EEC) No 565/80 ⁽⁶⁾ may, in addition to the operations listed in Article 28 (4) of Regulation (EEC) No 3665/87, be mixed in the same storage location with other products of the same subheading of the refund nomenclature and the same technical characteristics that also meet the requirements for the granting of an export refund and are also under the Regulation (EEC) No 3665/87 or Regulation (EEC) No 565/80 procedure.

Products from intervention may, however, be stored along with other products from intervention only.

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 July 1992.

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

Done at Brussels, 30 June 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 225, 15. 8. 1988, p. 1.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 62, 7. 3. 1980, p. 5.

COMMISSION REGULATION (EEC) No 1777/92

of 1 July 1992

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 7 (3) thereof,Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as amended by Regulation (EEC) No 1258/91⁽⁴⁾, provides in particular for detailed rules on the invitation to tender;Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91, provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

Article 1

Separate invitations to tender are opened in Great Britain, Denmark, the Netherlands, France, Spain, Portugal, Ireland, Northern Ireland and Germany for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be made to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 17 July 1992 to the relevant intervention agency.

*Article 3*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, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.⁽⁴⁾ OJ No L 120, 15. 5. 1991, p. 15.⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

COMMISSION REGULATION (EEC) No 1778/92**of 1 July 1992****amending Regulation (EEC) No 3536/91 setting the latest time of entry into storage for skimmed-milk powder sold under Regulation (EEC) No 3398/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 816/92 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 3536/91 ⁽³⁾, as last amended by Regulation (EEC) No 1540/92 ⁽⁴⁾, limited the quantity of skimmed-milk powder released for sale to that taken into storage before 1 April 1991;

Whereas, in view of the quantity still available and the market situation that date should be amended to 1 May 1991;

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

Article 1

The date of '1 April 1991' referred to in Article 1 of Regulation (EEC) No 3536/91 is hereby replaced by '1 May 1991.'

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, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 335, 6. 12. 1991, p. 8.

⁽⁴⁾ OJ No L 163, 17. 6. 1992, p. 15.

COMMISSION REGULATION (EEC) No 1779/92**of 30 June 1992****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3334/90 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 July 1992.

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

Done at Brussels, 30 June 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	15,54	656	122,41	31,88	107,21	3 877	11,94	24 100	35,92	10,93
1.20	0702 00 10 0702 00 90	Tomatoes	60,70	2 562	478,08	124,51	418,74	15 142	46,66	94 123	140,30	42,70
1.30	0703 10 19	Onions (other than seed)	16,89	713	133,05	34,65	116,54	4 214	12,98	26 195	39,04	11,88
1.40	0703 20 00	Garlic	265,83	11 222	2 093,66	545,29	1 833,78	66 313	204,35	412 196	614,44	186,99
1.50	ex 0703 90 00	Leeks	30,35	1 276	240,49	61,99	211,30	7 174	23,24	46 691	69,78	21,59
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	31,88	1 340	252,88	65,14	221,09	7 537	24,43	48 965	73,34	22,77
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	23,05	975	182,88	47,36	160,54	5 181	17,70	35 248	53,35	16,11
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	88,82	3 747	702,39	182,10	613,36	22 143	68,18	137 843	205,12	62,41
1.100	ex 0704 90 90	Chinese cabbage	39,75	1 677	314,32	81,49	274,48	9 909	30,51	61 684	91,79	27,92
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	112,52	4 747	889,76	230,67	776,98	28 050	86,37	174 612	259,84	79,06
1.120	ex 0705 29 00	Endives	22,96	965	182,14	46,92	159,25	5 429	17,59	35 268	52,83	16,40
1.130	ex 0706 10 00	Carrots	29,52	1 246	232,51	60,55	203,65	7 364	22,69	45 777	68,23	20,76
1.140	ex 0706 90 90	Radishes	76,03	3 212	604,06	156,14	526,58	18 296	58,48	117 341	175,57	53,25
1.150	0707 00 11 0707 00 19	Cucumbers	35,77	1 513	283,02	73,55	246,93	8 792	27,49	55 395	82,83	25,03
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	378,00	15 958	2 977,07	775,38	2 607,54	94 293	290,58	586 121	873,70	265,90
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	106,77	4 507	840,90	219,01	736,52	26 634	82,07	165 555	246,78	75,10
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	100,24	4 232	789,51	205,63	691,51	25 006	77,06	155 438	231,70	70,51
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	71,30	3 008	563,82	146,17	492,35	17 775	54,73	110 648	164,65	50,09
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	373,70	15 776	2 943,15	766,54	2 577,83	93 219	287,27	579 442	863,74	262,87
1.200.2	ex 0709 20 00	— other	159,33	6 726	1 254,89	326,83	1 099,13	39 746	122,48	247 062	368,28	112,08
1.210	0709 30 00	Aubergines (egg-plants)	99,61	4 215	790,55	204,83	687,62	24 225	76,64	154 147	230,55	69,66
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	62,23	2 627	490,12	127,65	429,28	15 523	47,83	96 494	143,84	43,77
1.230	0709 51 30	Chantarelles	713,23	30 060	5 626,73	1 460,68	4 977,83	162 425	546,18	1 092 598	1 645,94	501,92
1.240	0709 60 10	Sweet peppers	94,39	3 985	743,42	193,62	651,15	23 546	72,56	146 364	218,17	66,39
1.250	0709 90 50	Fennel	40,06	1 692	318,24	82,26	277,42	9 639	30,81	61 820	92,50	28,05
1.260	0709 90 70	Courgettes	38,41	1 614	304,72	78,38	267,79	8 982	29,39	59 164	88,32	27,15
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	98,95	4 174	781,50	202,59	690,51	22 594	75,77	151 536	228,30	69,55
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	131,65	5 522	1 041,42	268,14	915,24	30 904	100,74	202 551	301,99	94,47
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	46,24	1 952	364,17	94,84	318,96	11 534	35,54	71 697	106,87	32,52
2.30	ex 0804 30 00	Pineapples, fresh	42,10	1 777	331,57	86,36	290,42	10 502	32,36	65 280	97,31	29,61
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	127,97	5 402	1 007,91	262,51	882,80	31 923	98,37	198 435	295,79	90,02

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	86,31	3 643	679,80	177,05	595,42	21 531	66,35	133 838	199,50	60,71
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	28,77	1 215	228,58	59,08	199,26	6 923	22,12	44 402	66,44	20,15
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navelines, Navelines, Navelines, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	40,38	1 704	318,07	82,84	278,59	10 074	31,04	62 621	93,34	28,40
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	24,34	1 027	191,70	49,92	167,90	6 071	18,71	37 742	56,26	17,12
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	65,01	2 744	512,02	133,35	448,46	16 217	49,97	100 805	150,26	45,73
2.70.2	ex 0805 20 30	— Monreales and Satsumas	74,14	3 130	583,97	152,09	511,48	18 496	56,99	114 971	171,38	52,15
2.70.3	ex 0805 20 50	— Mandarins and wilkings	57,76	2 438	454,90	118,47	398,43	14 408	44,40	89 560	133,50	40,62
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	49,71	2 098	391,51	101,96	342,91	12 400	38,21	77 080	114,89	34,96
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	48,73	2 057	383,83	99,97	336,19	12 157	37,46	75 569	112,64	34,28
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	113,33	4 784	892,58	232,47	781,79	28 271	87,12	175 731	261,95	79,72
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	51,98	2 194	409,44	106,63	358,61	12 968	39,96	80 609	120,16	36,56
2.90.2	ex 0805 40 00	— pink	70,64	2 982	556,40	144,91	487,34	17 623	54,30	109 543	163,29	49,69
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	96,27	4 064	758,23	197,48	664,12	24 015	74,00	149 280	222,52	67,72
2.110	0807 10 10	Water-melons	22,68	957	178,69	46,54	156,51	5 659	17,44	35 180	52,44	15,95
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	63,91	2 698	503,35	131,09	440,87	15 942	49,13	99 099	147,72	44,95
2.120.2	ex 0807 10 90	— other	85,54	3 611	673,69	175,46	590,06	21 338	65,75	132 634	197,71	60,17
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	76,68	3 237	603,93	157,29	528,97	19 128	58,94	118 902	177,24	53,94
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	107,56	4 541	847,16	220,64	742,01	26 832	82,68	166 788	248,62	75,66
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	71,53	3 020	563,42	146,74	493,49	17 845	54,99	110 926	165,35	50,32
2.150	0809 10 00	Apricots	68,75	2 902	541,48	141,02	474,26	17 150	52,85	106 605	158,91	48,36
2.160	0809 20 10 0809 20 90	Cherries	92,87	3 920	731,46	190,50	640,66	23 167	71,39	144 008	214,66	65,33
2.170	ex 0809 30 00	Peaches	83,30	3 516	656,06	170,87	574,63	20 779	64,03	129 164	192,53	58,59

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	115,47	4 874	909,41	236,85	796,53	28 804	88,76	179 044	266,89	81,22
2.190	0809 40 11 0809 40 19	Plums	73,49	3 102	578,82	150,75	506,97	18 333	56,49	113 957	169,87	51,69
2.200	0810 10 10 0810 10 90	Strawberries	131,17	5 534	1 037,26	268,92	905,79	32 700	100,69	203 559	302,91	92,16
2.205	0810 20 10	Raspberries	1 686,7	71 352	13 344,9	3 467,96	11 643,49	414 554	1 296,5	2 611 963	3 905,77	1 180,37
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	136,31	5 755	1 079,64	279,74	950,71	30 917	104,59	209 154	315,16	95,45
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	83,38	3 519	656,67	171,03	575,16	20 799	64,09	129 284	192,71	58,65
2.230	ex 0810 90 80	Pomegranates	64,68	2 721	513,07	132,36	450,09	15 261	49,56	99 270	148,90	45,90
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	356,29	15 071	2 818,86	732,53	2 459,46	87 566	273,87	551 726	825,01	249,33
2.250	ex 0810 90 30	Lychees	213,34	9 006	1 680,26	437,62	1 471,70	53 219	164,00	330 808	493,11	150,07

COMMISSION REGULATION (EEC) No 1780/92

of 1 July 1992

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 14 (4) thereof,

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

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1701/92⁽⁷⁾ provisionally fixed the import levies on products processed from cereals and rice as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁸⁾, as last amended by Regulation (EEC) No 1740/78⁽⁹⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽¹⁰⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States⁽¹¹⁾, as last amended by Regulation (EEC) No 444/92⁽¹²⁾;

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91⁽¹³⁾ allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾ no levies shall apply on imports of products originating in the overseas countries

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 179, 1. 7. 1992, p. 21.

⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁹⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹⁰⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽¹³⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries ⁽¹⁾ prolonged by Regulation (EEC) No 1509/92 ⁽²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

Whereas Council Regulations (EEC) No 518/92 ⁽³⁾, (EEC) No 519/92 ⁽⁴⁾ and (EEC) No 520/92 ⁽⁵⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 585/92 ⁽⁶⁾, as amended by Regulation (EEC) No 955/92 ⁽⁷⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries ⁽⁸⁾, as last amended by Regulation (EEC) No 3842/90 ⁽⁹⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽¹⁰⁾, as amended by Regulation (EEC) No 222/88 ⁽¹¹⁾, stipulates that the treatment provided for glucose and glucose syrup falling

within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹²⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹³⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out 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 July 1992.

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽²⁾ OJ No L 159, 12. 6. 1992, p. 1.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁴⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁶⁾ OJ No L 62, 7. 3. 1992, p. 40.

⁽⁷⁾ OJ No L 102, 16. 4. 1992, p. 26.

⁽⁸⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽⁹⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽¹¹⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 July 1992 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
0714 10 10 (°)	124,26	130,91
0714 10 91	127,89 (°) (°)	127,89
0714 10 99	126,08	130,91
0714 90 11	127,89 (°) (°)	127,89
0714 90 19	126,08 (°)	130,91
1102 20 10	247,23	253,27
1102 20 90	140,10	143,12
1102 30 00	157,01	160,03
1102 90 10	230,20	236,24
1102 90 30	186,89	192,93
1102 90 90	146,70	149,72
1103 12 00	186,89	192,93
1103 13 10	247,23	253,27
1103 13 90	140,10	143,12
1103 14 00	157,01	160,03
1103 19 10	265,70	271,74
1103 19 30	230,20	236,24
1103 19 90	146,70	149,72
1103 21 00	234,58	240,62
1103 29 10	265,70	271,74
1103 29 20	230,20	236,24
1103 29 30	186,89	192,93
1103 29 40	247,23	253,27
1103 29 50	157,01	160,03
1103 29 90	146,70	149,72
1104 11 10	130,45	133,47
1104 11 90	255,78	261,82
1104 12 10	105,91	108,93
1104 12 90	207,66	213,70
1104 19 10	234,58	240,62
1104 19 30	265,70	271,74
1104 19 50	247,23	253,27

CN code	(ECU/tonne)	
	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
1104 19 91	266,62	272,66
1104 19 99	258,88	264,92
1104 21 10	204,62	207,64
1104 21 30	204,62	207,64
1104 21 50	319,73	325,77
1104 21 90	130,45	133,47
1104 22 10 10 (°)	105,91	108,93
1104 22 10 90 (°)	186,89	189,91
1104 22 30	186,89	189,91
1104 22 50	166,13	169,15
1104 22 90	105,91	108,93
1104 23 10	219,76	222,78
1104 23 30	219,76	222,78
1104 23 90	140,10	143,12
1104 29 11	173,33	176,35
1104 29 15	196,32	199,34
1104 29 19	230,11	233,13
1104 29 31	208,51	211,53
1104 29 35	236,18	239,20
1104 29 39	230,11	233,13
1104 29 91	132,93	135,95
1104 29 95	150,56	153,58
1104 29 99	146,70	149,72
1104 30 10	97,74	103,78
1104 30 90	103,01	109,05
1106 20 10	124,26 (°)	130,91
1106 20 90	217,50 (°)	241,68
1107 10 11	231,97	242,85
1107 10 19	173,33	184,21
1107 10 91	227,64	238,52 (°)
1107 10 99	170,09	180,97 (°)
1107 20 00	198,23	209,11 (°)
1108 11 00	286,70	307,25
1108 12 00	221,13	241,68
1108 13 00	221,13	241,68 (°)
1108 14 00	110,56	241,68
1108 19 10	225,14	255,97
1108 19 90	110,56 (°)	241,68
1109 00 00	521,28	702,62
1702 30 51	288,44	385,16
1702 30 59	221,13	287,62
1702 30 91	288,44	385,16
1702 30 99	221,13	287,62
1702 40 90	221,13	287,62
1702 90 50	221,13	287,62
1702 90 75	302,17	398,89
1702 90 79	210,15	276,64

(ECU/tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (8)
2106 90 55	221,13	287,62
2302 10 10	55,38	61,38
2302 10 90	118,67	124,67
2302 20 10	55,38	61,38
2302 20 90	118,67	124,67
2302 30 10	55,38 (10)	61,38
2302 30 90	118,67 (10)	124,67
2302 40 10	55,38	61,38
2302 40 90	118,67	124,67
2303 10 11	274,70	456,04

(1) 6 % *ad valorem*, subject to certain conditions.

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

(3) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

(4) Taric code: clipped oats.

(5) Taric code: CN code 1104 22 10, other than 'clipped oats'.

(6) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.

(7) 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.

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

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

(10) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.

(11) Products falling within this code, imported from Poland, the Czech and Slovak Federal Republic 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 1781/92

of 1 July 1992

fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 14 (4) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas Commission Regulation (EEC) No 1702/92⁽⁵⁾ provisionally fixed the import levies on compound feedingstuffs as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁶⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy

relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁷⁾, as last amended by Regulation (EEC) No 444/92⁽⁸⁾;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁹⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 2205/90⁽¹¹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 24.

⁽⁶⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁷⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁸⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION:

and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75

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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 July 1992 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies ⁽²⁾	
	ACP	Third countries (other than ACP) ⁽¹⁾
2309 10 11	21,98	32,86
2309 10 13	534,78	545,66
2309 10 31	68,68	79,56
2309 10 33	581,48	592,36
2309 10 51	137,35	148,23
2309 10 53	650,15	661,03
2309 90 31	21,98	32,86
2309 90 33	534,78	545,66
2309 90 41	68,68	79,56
2309 90 43	581,48	592,36
2309 90 51	137,35	148,23
2309 90 53	650,15	661,03

⁽¹⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1782/92

of 1 July 1992

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 16 (8) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation ;

Whereas the import levy on white sugar and raw sugar must be equal to the threshold price less the cif price ; whereas the threshold price for each of these products was fixed by Council Regulation (EEC) No 1748/92⁽³⁾ fixing, for the 1992/93 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal ;

Whereas Commission Regulation (EEC) No 1735/92⁽⁴⁾ provisionally fixed the import levies on white sugar and raw sugar as from 1 July 1992 ; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁵⁾, no levies shall apply on imports of products originating in the overseas countries and territories ; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985 ;

Whereas the cif price for raw sugar and white sugar is calculated by the Commission for a Community frontier

crossing point which was fixed at Rotterdam by Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁶⁾ ;

Whereas this price must be based on the most favourable purchasing opportunities on the world market established for each product on the basis of quotations or prices on that market adjusted for any deviation from the standard quality for which the threshold price is fixed ; whereas the standard quality for raw sugar was defined by Regulation (EEC) No 431/68 and that for white sugar by Regulation (EEC) No 793/72⁽⁷⁾ ;

Whereas, when the most favourable purchasing opportunities on the world market are being established, the Commission must take account of all available information on offers on the world market, on quotations on the exchanges which are important for world trade, on prices recorded on important third-country markets, and on sales concluded in international trade of which it has knowledge either directly or through the agency of the Member States ;

Whereas, however, pursuant to Regulation (EEC) No 784/68 of the Commission of 26 June 1968 laying down detailed rules for calculating cif prices for white sugar and raw sugar⁽⁸⁾, the Commission must disregard information if the goods concerned are not of sound and fair marketable quality or if the price quoted in an offer relates to small quantities and is not representative of the market ; whereas offer prices which can be assumed not to be representative of the actual market trends must also be disregarded ;

Whereas any offer or prices taken into consideration which are not for goods delivered in bulk cif Rotterdam must be adjusted ; whereas when this adjustment is being made account must be taken of the difference in the cost of transporting the goods between the port of loading and the port of destination and between the port of loading and Rotterdam ; whereas, if the price or the offer relates to goods in bags, it must be reduced by ECU 0,73 per 100 kilograms under the terms of Article 4 of Regulation (EEC) No 784/68 ;

(¹) OJ No L 177, 1. 7. 1981, p. 4.

(²) OJ No L 6, 11. 1. 1992, p. 19.

(³) OJ No L 181, 1. 7. 1992, p. 13.

(⁴) OJ No L 179, 1. 7. 1992, p. 121.

(⁵) OJ No L 263, 19. 9. 1991, p. 1.

(⁶) OJ No L 89, 10. 4. 1968, p. 3.

(⁷) OJ No L 94, 21. 4. 1972, p. 1.

(⁸) OJ No L 145, 27. 6. 1968, p. 10.

Whereas, if information on sugar of the standard quality is to be comparable, the price increases or reductions fixed pursuant to Article 15 of Regulation (EEC) No 1785/81 must be added to or deducted from the offers taken into consideration in the case of white sugar; whereas, in the case of raw sugar, the corrective factors provided for in Article 5 of Regulation (EEC) No 784/68 must be applied;

Whereas, pursuant to Article 7 of Regulation (EEC) No 784/68, a special cif price may be established for sugar which has been specially treated or specially packed if the offer price for such sugar is lower than the cif price established pursuant to the provisions referred to above;

Whereas a cif price may, by way of exception, be left unchanged for a limited period if the offer price which served as a basis for the previous calculation of the cif price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the cif price;

Whereas the levy is altered only if the variation in the elements used to calculate it would entail an increase or a reduction of not less than ECU 0,24 per 100 kilograms in relation to the levy previously fixed;

Whereas, in accordance with Article 21 (1) of Regulation (EEC) No 1785/81, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,

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

Whereas these exchange rates being those recorded on 30 June 1992;

Whereas it follows from applying these provisions that the levies for white sugar and raw sugar should be as set out in the Annex hereto,

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 the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 1 July 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,12 ⁽¹⁾
1701 11 90	37,12 ⁽¹⁾
1701 12 10	37,12 ⁽¹⁾
1701 12 90	37,12 ⁽¹⁾
1701 91 00	44,82
1701 99 10	44,82
1701 99 90	44,82 ⁽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. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 1783/92

of 1 July 1992

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 16 (8) thereof,

Whereas, in accordance with Article 303 of the Act of Accession, a reduced levy is applied during the period of seven years following accession on imports into Portugal of certain quantities of raw sugar originating in certain third countries;

Whereas Commission Regulation (EEC) No 1708/92⁽³⁾ provisionally fixed the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council;Whereas Commission Regulation (EEC) No 599/86⁽⁴⁾, as last amended by Regulation (EEC) No 1708/92, fixes the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the

Commission, be fixed as shown in Article 1 of this Regulation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (CN codes 1701 11 10 and 1701 12 10) is fixed for this quality type at ECU 26,63 per 100 kilograms.

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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 41.

⁽⁴⁾ OJ No L 58, 1. 3. 1986, p. 18.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1784/92**of 1 July 1992****fixing the import levy on molasses**

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) (c) of that Regulation;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽³⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas the import levy on molasses must be equal to the threshold price less the cif price; whereas the threshold price for molasses was fixed by Council Regulation (EEC) No 1748/92 ⁽⁴⁾ fixing, for the 1992/93 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal;

Whereas Commission Regulation (EEC) No 1700/92 ⁽⁵⁾ provisionally fixed the import levies for molasses as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council;

Whereas the cif price for molasses is calculated by the Commission for a Community frontier crossing point which was fixed at Rotterdam by Regulation (EEC) No

431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁶⁾;

Whereas this price must be based on the most favourable purchasing opportunities on the world market established for each product on the basis of quotations or prices on that market adjusted for any deviation from the standard quality for which the threshold price is fixed; whereas the standard quality for molasses was defined by Regulation (EEC) No 785/68 of the Commission of 26 June 1968 determining the standard quality and laying down detailed rules for calculating the cif price for molasses ⁽⁷⁾;

Whereas, when the most favourable purchasing opportunities on the world market are being established, the Commission must take account of all available information on offers on the world market, on quotations on the exchanges which are important for world trade, on prices recorded on important third-country markets and on sales concluded in international trade of which it has knowledge, either directly or through the agency of the Member States; whereas, under the terms of Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided this average can be regarded as being representative of actual market trends;

Whereas the Commission must disregard information if the goods concerned are not of sound and fair marketable quality or if the price quoted in an offer relates to a small quantity and is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas any prices or offer taken into consideration which are not for delivery cif Rotterdam must be adjusted, account being taken in particular of the differences in the cost of transporting the goods between the port of loading and the port of destination and between the port of loading and Rotterdam;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results obtained by applying Article 6 of Regulation (EEC) No 785/68;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 180, 1. 7. 1992, p. 13.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 17.

⁽⁶⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁷⁾ OJ No L 145, 27. 6. 1968, p. 12.

Whereas the cif price may, by way of exception, be left unchanged for a limited period if the offer price which served as a basis for the previous calculation of the cif price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the cif price ;

Whereas the levy must be fixed each week ; whereas pursuant to Article 5 of Regulation (EEC) No 837/68 of the Commission of 28 June 1968 on detailed rules for the application of levies on sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1428/78 ⁽²⁾, the levy is altered only if the variation in the elements used to calculate it would entail an increase or a reduction of not less than ECU 0,06 per 100 kilograms in relation to the levy previously fixed ;

Whereas in accordance with Article 21 (1) of Regulation (EEC) No 1785/81, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council

Regulation (EEC) No 1676/85 ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾,

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

Whereas these exchange rates being those recorded on 30 June 1992,

HAS ADOPTED THIS REGULATION :

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 is now ECU 0,98 per 100 kilograms in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽²⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1785/92
of 1 July 1992
fixing the import levies on sugar beet and sugar cane

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 16 (8) thereof,

Whereas Article 16 of Regulation (EEC) No 1785/81 provides that an import levy must be fixed by the Commission on the products listed in Article 1 (1) (b) of that Regulation; whereas that levy must be calculated at a standard rate on the basis of the sucrose content of each of those products and the levy on white sugar;

Whereas Article 6 of Regulation (EEC) No 837/68 of the Commission of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the levy applicable to these products is obtained by multiplying by a coefficient the difference, in respect of 100 kilograms of white sugar, between the threshold price valid for the relevant marketing year and the arithmetic average of cif prices recorded during a reference period; whereas the coefficients and the reference period were fixed by Article 6 of Regulation (EEC) No 837/68;

Whereas the threshold price for white sugar has been fixed by Council Regulation (EEC) No 1748/92⁽⁵⁾ of 13

June 1991 fixing, for the 1992/93 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal;

Whereas Commission Regulation (EEC) No 1736/92⁽⁶⁾ provisionally fixed the import levies on sugar beet and sugar cane as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 on the products listed in Article 1 (1) (b) of that Regulation shall be as set out 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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 180, 1. 7. 1992, p. 13.

⁽⁶⁾ OJ No L 179, 1. 7. 1992, p. 124.

ANNEX

to the Commission Regulation of 1 July 1992 fixing the import levies on sugar beet and sugar cane

(ECU/tonne)

CN code	Import levies
1212 91 10	70,72
1212 91 90	243,10
1212 92 00	48,62

COMMISSION REGULATION (EEC) No 1786/92

of 1 July 1992

fixing the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 16 (8) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period between the day on which it is fixed and the first day of the month following the month for which the basic

amount is applicable, if the levy on white sugar differs by at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas Commission Regulation (EEC) No 1699/92⁽⁵⁾ provisionally fixed the import levies on syrups and certain other products in the sugar sector as from 1 July 1992; whereas they should be adjusted to take account of the decisions taken in respect of prices by the Council;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75⁽⁶⁾, as last amended by Regulation (EEC) No 1738/92⁽⁷⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁸⁾, no levies shall apply on

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 15.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official*

Journal of the European Communities, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 July 1992 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4482	—
1702 20 90	0,4482	—
1702 30 10	—	54,49
1702 40 10	—	54,49
1702 60 10	—	54,49
1702 60 90	0,4482	—
1702 90 30	—	54,49
1702 90 60	0,4482	—
1702 90 71	0,4482	—
1702 90 90	0,4482	—
2106 90 30	—	54,49
2106 90 59	0,4482	—

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

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1787/92**of 1 July 1992****fixing the sluice-gate prices and levies on pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 8 and 12 (1) thereof,

Whereas a levy fixed quarterly in advance must be charged on imports into the Community for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75;

Whereas, as the levies and sluice-gate prices were last fixed by Commission Regulation (EEC) No 727/92 of 24 March 1992⁽³⁾, for the period from 1 April to 30 June 1991, new levies and sluice-gate prices must be fixed for the period 1 July to 30 September 1992;

Whereas the levy on pig carcasses is made up of two components;

Whereas the first component must be equal to the difference between prices within the Community and on the world market for the quantity of feed grain determined in accordance with Article 1 of Council Regulation (EEC) No 2764/75 of 29 October 1975 laying down the rules for calculating a component of the levy on pig carcasses⁽⁴⁾, as last amended by Regulation (EEC) No 4160/87⁽⁵⁾, the composition whereof is indicated therein;

Whereas the value within the Community of that quantity of feed grain must be determined in accordance with Article 2 of Regulation (EEC) No 2764/75; whereas the value for the same quantity on the world market must be determined in accordance with Article 3 thereof;

Whereas Article 3 of that Regulation provides that the price of each cereal on the world market is to be equal to the average of the cif prices of that cereal; whereas the cif prices are recorded for the five-month period ending one month before the quarter in respect of which the said

component is calculated; whereas that period is 1 January to 31 May 1992;

Whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable for the four quarters to 1 April in each year;

Whereas the levies on the products specified in Article 1 (1) (a) and (b) of Regulation (EEC) No 2759/75 other than pig carcasses must be derived from the levy on pig carcasses on the basis of the coefficients fixed for such products pursuant to Article 10 (4) of Regulation (EEC) No 2759/75 in Annex I to Commission Regulation (EEC) No 3944/87 of 21 December 1987 fixing coefficients for calculating levies on pigmeat products⁽⁶⁾, as last amended by Regulation (EEC) No 2242/91⁽⁷⁾;

Whereas the levies on the products specified in Article 1 (1) (c) of Regulation (EEC) No 2759/75 are made up of two components;

Whereas the first component must be derived from the levy on pig carcasses on the basis of the coefficients fixed in Annex II to Regulation (EEC) No 3944/87;

Whereas the second component must be equal to 7 %, and for products falling within CN codes ex 1602 and ex 1902 to 10 % of the average offer prices for imports during the 12 months to 1 April; whereas those averages should be determined bearing in mind all the information available on imports into the Community from third countries, taking into account the representative character of prices;

Whereas, in the case of products falling within CN codes 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10, 1602 10 00, 1602 20 90 and 1602 90 10 in respect of which the rate of duty has been bound under the General Agreement on Tariffs and Trade (GATT), the levies must not exceed the amount resulting from that binding;

Whereas for pig carcasses and other products referred to in Article 1 of Council Regulation (EEC) No 2766/75 of 29 October 1975 establishing the list of products for which sluice-gate prices are to be fixed and laying down the

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 79, 25. 3. 1992, p. 16.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 21.

⁽⁵⁾ OJ No L 392, 31. 12. 1987, p. 46.

⁽⁶⁾ OJ No L 373, 31. 12. 1987, p. 25.

⁽⁷⁾ OJ No L 204, 27. 7. 1991, p. 21.

rules for fixing the sluice-gate price for pig carcasses ⁽¹⁾, as last amended by Regulation (EEC) No 3909/87 ⁽²⁾, the sluice-gate prices must be fixed in advance for each quarter;

Whereas the sluice-gate price for pig carcasses is made up of three components;

Whereas the first component must be equal to the value on the world market of the quantity of feed grain equivalent to the quantity of feedingstuffs required for the production in third countries of one kilogram of pigmeat, such quantity being composed as provided in Article 2 (1) of Regulation (EEC) No 2766/75;

Whereas the value of that quantity of grain must be determined in accordance with Article 2 (2) and (3) of Regulation (EEC) No 2766/75;

Whereas the said Article 2 provides that the price for each cereal on the world market shall be equal to the average of the cif prices of such cereal; whereas the cif prices shall be determined for the period of five months ending one month before the quarter in respect of which the said amount is calculated; whereas that period is 1 January to 31 May 1992;

Whereas the second component, which represents the extra cost, in relation to feed grain of feedingstuffs other than grain required for the production of one kilogram of pigmeat, shall, in accordance with Article 3 (1) of Regulation (EEC) No 2766/75, be 15 % of the value of the quantity of feed grain;

Whereas the third amount, which represents overhead costs of production and marketing, shall, in accordance with Article 3 (2) of Regulation (EEC) No 2766/75, be ECU 38,69 per 100 kilograms of pig carcasses;

Whereas the sluice-gate prices of products referred to in Article 1 of Regulation (EEC) No 2766/75, other than pig carcasses, must be derived from the sluice-gate price for pig carcasses on the basis of the coefficients laid down by Regulation (EEC) No 3944/87;

Whereas, by Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries ⁽³⁾, as amended by Regulation (EEC) No 1509/92 ⁽⁴⁾, and Council Regulation (EEC) No 715/90 ⁽⁵⁾ on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States), as amended by Regulation (EEC) No 444/92 ⁽⁶⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain pigmeat products;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the

overseas countries and territories with the European Economic Community ⁽⁷⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas Council Regulation (EEC) No 518/92 ⁽⁸⁾, (EEC) No 519/92 ⁽⁹⁾ and (EEC) No 520/92 ⁽¹⁰⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 564/92 ⁽¹¹⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards pigmeat;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 July to 30 September 1992 the sluice-gate prices and levies provided for in Articles 12 and 8 respectively of Regulation (EEC) No 2759/75 for the products referred to in Article 1 (1) thereof shall be as set out in the Annex hereto.

2. Nevertheless, in the case of products falling within CN codes 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10, 1602 10 00, 1602 20 90 and 1602 90 10, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

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 July 1992.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽³⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽⁴⁾ OJ No L 159, 12. 6. 1992, p. 1.

⁽⁵⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁶⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁸⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁹⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽¹⁰⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹¹⁾ OJ No L 61, 6. 3. 1992, p. 9.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 July 1992 fixing the sluice-gate prices and levies on pigmeat

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
0103 91 10	71,76	48,67	—
0103 92 11	61,02	41,39	—
0103 92 19	71,76	48,67 (*)	—
0203 11 10	93,31	63,29 (*)	—
0203 12 11	135,30	91,77 (*)	—
0203 12 19	104,51	70,88 (*)	—
0203 19 11	104,51	70,88 (*)	—
0203 19 13	151,16	102,53 (*)	—
0203 19 15	81,18	55,06 (*)	—
0203 19 55	151,16	102,53 (*)	—
0203 19 59	151,16	102,53 (*)	—
0203 21 10	93,31	63,29 (*)	—
0203 22 11	135,30	91,77 (*)	—
0203 22 19	104,51	70,88 (*)	—
0203 29 11	104,51	70,88 (*)	—
0203 29 13	151,16	102,53 (*) (*)	—
0203 29 15	81,18	55,06 (*)	—
0203 29 55	151,16	102,53 (*) (*)	—
0203 29 59	151,16	102,53 (*)	—
0206 30 21	112,91	76,58	7
0206 30 31	82,11	55,69	4
0206 41 91	112,91	76,58	7
0206 49 91	82,11	55,69	4
0209 00 11	37,32	25,32	—
0209 00 19	41,06	27,85	—
0209 00 30	22,39	15,19	—
0210 11 11	135,30	91,77 (*) (*)	—
0210 11 19	104,51	70,88 (*)	—
0210 11 31	263,13	178,47 (*)	—
0210 11 39	207,15	140,50 (*)	—
0210 12 11	81,18	55,06 (*) (*)	—
0210 12 19	135,30	91,77 (*)	—
0210 19 10	119,44	81,01 (*)	—
0210 19 20	130,63	88,60 (*)	—
0210 19 30	104,51	70,88 (*)	—
0210 19 40	151,16	102,53 (*) (*)	—
0210 19 51	151,16	102,53 (*)	—
0210 19 59	151,16	102,53 (*)	—
0210 19 60	207,15	140,50 (*)	—
0210 19 70	260,33	176,57 (*)	—
0210 19 81	263,13	178,47 (*)	—
0210 19 89	263,13	178,47 (*)	—
0210 90 31	112,91	76,58	—
0210 90 39	82,11	55,69	—
1501 00 11	29,86	20,25	3
1501 00 19	29,86	20,25	—
1601 00 10	130,63	104,34 (?)	24
1601 00 91	219,28	185,05 (*) (?) (*)	—

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
1601 00 99	149,30	124,92 ⁽¹⁾ ⁽²⁾ ^(*)	—
1602 10 00	104,51	79,42	26
1602 20 90	121,30	123,59	25
1602 41 10	228,61	202,32 ^(*)	—
1602 42 10	191,29	157,74 ^(*)	—
1602 49 11	228,61	202,21 ^(*)	—
1602 49 13	191,29	175,53 ^(*)	—
1602 49 15	191,29	150,31 ⁽¹⁾ ^(*)	—
1602 49 19	125,97	106,12 ⁽¹⁾ ^(*)	—
1602 49 30	104,51	89,09 ^(*)	—
1602 49 50	62,52	56,50 ^(*)	—
1602 90 10	121,30	103,54	26
1602 90 51	125,97	101,72	—
1902 20 30	62,52	54,89	—

⁽¹⁾ The levy on products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽²⁾ The levy on products originating in the ACP and listed in Article 8 of amended Regulation (EEC) No 715/90 reduced by 50 % within the limits of the quotas referred to in that Regulation.

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

^(*) 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 564/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

NB: The CN codes and the footnotes are defined in amended Commission Regulation (EEC) No 2658/87.

COMMISSION REGULATION (EEC) No 1788/92

of 1 July 1992

fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas a levy fixed quarterly in advance must be charged on imports into the Community for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75;

Whereas sluice-gate prices for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed in advance for each quarter;

Whereas, as the levies and sluice-gate prices for eggs were fixed latterly in Commission Regulation (EEC) No 743/92⁽³⁾ for the period 1 April to 30 June 1992, new levies and sluice-gate prices must be fixed for the period 1 July to 30 September 1992;

Whereas the levy on eggs in shell is made up of two components;

Whereas the first component must be equal to the difference between prices within the Community and on the world market for the quantity of feed grain specified in Annex I to Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽⁴⁾, as last amended by Regulation (EEC) No 4155/87⁽⁵⁾;

Whereas the price within the Community for that quantity of feed grain must be determined in accordance with Article 2 of Regulation (EEC) No 2773/75; whereas the price for the like quantity on the world market must be determined in accordance with Article 3 thereof;

Whereas the said Article 3 provides that the prices for each type of feed grain on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component

is calculated; whereas that period is 1 January to 31 May 1992;

Whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable for the four quarters to 1 April in each year;

Whereas the levy on eggs for hatching must be calculated in the same way as the levy on eggs in shell; whereas, however, the quantity of feed grain used in the calculation must be that shown in Annex I to Regulation (EEC) No 2773/75; whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable to eggs for hatching;

Whereas the levy on the products specified in Article 1 (1) (b) of Regulation (EEC) No 2771/75 must be derived from the levy on eggs in shell on the basis of the coefficients set out in the Annex to Commission Regulation No 164/67/EEC of 26 June 1967 fixing the factors for calculating levies and sluice-gate prices for derived egg products⁽⁶⁾, as last amended by Regulation (EEC) No 4155/87;

Whereas sluice-gate prices for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed in advance for each quarter;

Whereas the sluice-gate price for eggs in shell is made up of two components;

Whereas the first component must be equal to the price on the world market for the quantity of feed grain specified in Annex II to Regulation (EEC) No 2773/75;

Whereas the price for that quantity of grain must be determined in accordance with Article 4 (2) and (3) of Regulation (EEC) No 2773/75;

Whereas the said Article 4 provides that the price for each cereal on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 January to 31 May 1992;

Whereas the second amount, which represents other feeding costs and overhead costs of production and marketing, is fixed in Annex II to Regulation (EEC) No 2773/75;

Whereas the sluice-gate price for eggs for hatching must be calculated in the same way as the sluice-gate price for eggs in shell; whereas, however, the quantity of feed grain used in the calculation must be that specified in Annex II to Regulation (EEC) No 2773/75; whereas the standard amount must be that fixed in the same Annex;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 82, 27. 3. 1992, p. 24.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁵⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁶⁾ OJ No 129, 28. 6. 1967, p. 2578/67.

Whereas the sluice-gate prices for the products specified in Article 1 (1) (b) of Regulation (EEC) No 2771/75 must be derived from the sluice-gate prices for eggs in shell, taking into account the value of the basic product, the coefficients for those products fixed in accordance with Article 5 (2) of that Regulation and the standard amount fixed in the Annex to Regulation No 164/67/EEC;

Whereas, as regards the lower value to be allowed for in the calculation of the sluice-gate prices for whole products, account must be taken of the absence of certain marketing costs specific to eggs in shell, and of a percentage reflecting the lower prices generally obtained for eggs intended for processing; whereas these marketing costs — to be deducted from the sluice-gate price for eggs in shell — may be assessed at 0,0967 ECU per kilogram; whereas the percentage to be deducted from that reduced sluice-gate price may be assessed at 20 %;

Whereas, as regards the lower value to be allowed for in the calculation of the sluice-gate prices for separated products, the same reduction in marketing costs as for whole products should be allowed for; whereas, however, the percentage to be deducted should be lower than that taken for whole products, as the production of separated products requires the use of fresh eggs; whereas this percentage may be assessed at 7 %;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories

from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas Council Regulations (EEC) No 518/92⁽²⁾, (EEC) No 519/92⁽³⁾ and (EEC) No 520/92⁽⁴⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 579/92⁽⁵⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards eggs;

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

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation (EEC) No 2771/75 and the sluice-gate prices provided for in Article 7 thereof, in respect of the products specified in Article 1 (1) thereof, shall be as set out 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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽²⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁴⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁵⁾ OJ No L 62, 7. 3. 1992, p. 15.

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 1 July 1992 fixing the sluice-gate prices and levies for eggs⁽²⁾

CN code	Sluice-gate price	Levy
	ECU/100 units	ECU/100 units
0407 00 11	51,72	12,83 ⁽¹⁾
0407 00 19	10,99	3,92 ⁽¹⁾
	ECU/100 kg	ECU/100 kg
0407 00 30	83,64	33,69
0408 11 10	406,57	157,67 ⁽¹⁾
0408 19 11	183,85	68,73 ⁽¹⁾
0408 19 19	195,90	73,44 ⁽¹⁾
0408 91 10	341,24	152,28 ⁽¹⁾
0408 99 10	90,41	39,08 ⁽¹⁾

⁽¹⁾ 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 579/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽²⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1789/92

of 1 July 1992

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽¹⁾, as amended by Regulation (EEC) No 4001/87⁽²⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Whereas the sluice-gate prices and import duties for the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance ; whereas they must be fixed by reference to the sluice-gate price and levy applicable to eggs in shell during the same period ;

Whereas these have been fixed by Commission Regulation (EEC) No 1788/92 of 1 July 1992 fixing the sluice-gate prices and levies for eggs⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were last fixed by Commission Regulation (EEC) No 744/92⁽⁴⁾, new levies and sluice-gate prices must be fixed for the period 1 July to 30 September 1992 ;

Whereas the methods for calculating sluice-gate prices and import duties are laid down in Commission Regulation No 200/67/EEC⁽⁵⁾ ; whereas these methods should be used to calculate the sluice-gate prices and import duties for the coming quarter ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European

Economic Community⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories ; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The import duties provided for in Article 2 of Regulation (EEC) No 2783/75 and the sluice-gate prices provided for in Article 5 thereof, in respect of the products specified in Article 1, shall be as set out 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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ See page 56 of this Official Journal.

⁽⁴⁾ OJ No L 82, 27. 3. 1992, p. 26.

⁽⁵⁾ OJ No 134, 30. 6. 1967, p. 2834/67.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 1 July 1992 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽¹⁾

CN code	Sluice-gate price	Import duty
	ECU/100 kg	ECU/100 kg
3502 10 91	390,51	136,78
3502 10 99	52,34	18,53
3502 90 51	390,51	136,78
3502 90 59	52,34	18,53

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

COMMISSION REGULATION (EEC) No 1790/92
of 1 July 1992
fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas a levy fixed quarterly in advance must be charged on imports into the Community for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75;

Whereas sluice-gate prices for the products specified in Article 1 (1) of Regulation No 2777/75 must be fixed in advance for each quarter;

Whereas, as the levies and sluice-gate prices were fixed latterly in Commission Regulation (EEC) No 742/92⁽³⁾, for the period 1 April to 30 June 1992, new levies and sluice-gate prices must be fixed for the period 1 July to 30 September 1992;

Whereas the levy on slaughtered poultry is made up of two components;

Whereas the first component must be equal to the difference between prices within the Community and on the world market for the quantity of feed grain specified in Annex I to Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽⁴⁾, as last amended by Regulation (EEC) No 3986/87⁽⁵⁾;

Whereas the price within the Community for that quantity of feed grain must be determined in accordance with Article 2 of Regulation (EEC) No 2778/75; whereas the price for the like quantity on the world market must be determined in accordance with Article 3 thereof;

Whereas the said Article 3 provides that the price for each type of feed grain on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 January to 31 May 1992;

Whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable for the four quarters to 1 April in each year;

Whereas the levy on chicks must be calculated in the same way as the levy on slaughtered poultry; whereas, however, the quantity of feed grain used in the calculation must be that shown in Annex I to Regulation (EEC) No 2778/75; whereas the second component must be equal to 7 % of the average of the sluice-gate prices applicable to chicks;

Whereas the levy on the products specified in Article 1 (2) (d) of Regulation (EEC) No 2777/75 must be derived from the levy on slaughtered poultry on the basis of the coefficients set out in the Annex to Commission Regulation (EEC) No 3011/79 of 20 December 1979 fixing the coefficients for calculating levies on derived poultrymeat products and repealing Regulation No 199/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 3986/87⁽⁷⁾;

Whereas, in the case of products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, in respect of which the rate of duty has been bound within GATT, the levies must not exceed the amount resulting from that binding;

Whereas the sluice-gate price for slaughtered poultry is made up of two components;

Whereas the first component must be equal to the price on the world market for the quantity of feed grain shown in Annex II to Regulation (EEC) No 2778/75;

Whereas the price for that quantity of cereals must be determined in accordance with Article 4 (2) and (3) of Regulation (EEC) No 2778/75;

Whereas the said Article 4 provides that the price for each cereal on the world market shall be equal to the average of the cif prices determined for that cereal for the period of five months ending one month before the quarter in respect of which the said component is calculated; whereas that period is 1 January to 31 May 1992;

Whereas the second amount, which represents other feeding costs and overhead costs of production and marketing, is fixed in Annex II to Regulation (EEC) No 2778/75;

Whereas the sluice-gate price for chicks must be calculated in the same way as the sluice-gate price for slaughtered poultry; whereas, however, the quantity of feed grain used in the calculation must be that shown in Annex II to Regulation (EEC) No 2778/75; whereas the standard amount must be that fixed in the same Annex;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 82, 27. 3. 1992, p. 19.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁵⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁶⁾ OJ No L 337, 29. 12. 1979, p. 65.

⁽⁷⁾ OJ No L 376, 31. 12. 1987, p. 7.

Whereas the sluice-gate price for the products specified in Article 1 (2) (d) of Regulation (EEC) No 2777/75 must be derived from the sluice-gate prices for slaughtered poultry on the basis of the coefficients fixed for these products in accordance with Article 5 (3) of that Regulation;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽¹⁾, as last amended by Regulation (EEC) No 1509/92⁽²⁾, partially or totally suspends Common Tariff duties, in particular on certain poultrymeat products;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽³⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas Council Regulations (EEC) No 518/92⁽⁴⁾, (EEC) No 519/92⁽⁵⁾ and (EEC) No 520/92⁽⁶⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 579/92⁽⁷⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards poultrymeat;

Whereas, by Council Regulations (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on

certain agricultural products originating in developing countries⁽⁸⁾, as last amended by Regulation (EEC) No 1509/92, and (EEC) 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁹⁾ as last amended by Regulation (EEC) No 444/92⁽¹⁰⁾; special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultrymeat products;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 and the sluice-gate prices provided for in Article 7 thereof, in respect of the products specified in Article 1 (1), shall be as set out in the Annex hereto.
2. However, in the case of products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

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 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 86.

⁽²⁾ OJ No L 159, 12. 6. 1992, p. 1.

⁽³⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁴⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁶⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁷⁾ OJ No L 62, 7. 3. 1992, p. 15.

⁽⁸⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽⁹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹⁰⁾ OJ No L 52, 27. 2. 1992, p. 7.

ANNEX

to the Commission Regulation of 1 July 1992 fixing the sluice-gate prices and levies for poultrymeat ⁽¹⁾ ⁽²⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	22,46	5,99	—
0105 19 10	99,41	19,86	—
0105 19 90	22,46	5,99	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	77,81	24,53 (*)	—
0105 99 10	88,12	37,43	—
0105 99 20	113,90	37,61 (*)	—
0105 99 30	103,26	28,35 (*)	—
0105 99 50	119,67	39,26	—
0207 10 11	97,76	30,82 (*)	—
0207 10 15	111,16	35,04 (*)	—
0207 10 19	121,12	38,17 (*)	—
0207 10 31	147,52	40,50 (*)	—
0207 10 39	161,70	44,40 (*)	—
0207 10 51	103,67	44,03 (*)	—
0207 10 55	125,89	53,47 (*)	—
0207 10 59	139,87	59,42 (?) (*)	—
0207 10 71	162,71	53,73 (*)	—
0207 10 79	153,70	57,05 (?) (*)	—
0207 10 90	170,95	56,09	—
0207 21 10	111,16	35,04 (*)	—
0207 21 90	121,12	38,17 (*)	—
0207 22 10	147,52	40,50 (*)	—
0207 22 90	161,70	44,40 (*)	—
0207 23 11	125,89	53,47 (*)	—
0207 23 19	139,87	59,42 (?) (*)	—
0207 23 51	162,71	53,73 (*)	—
0207 23 59	153,70	57,05 (?) (*)	—
0207 23 90	170,95	56,09	—
0207 31 00	1 627,10	537,30	3 (?)
0207 39 11	285,60	101,22 (*)	—
0207 39 13	133,23	41,99 (*)	—
0207 39 15	92,20	31,48 (*)	—
0207 39 17	63,83	21,79 (*)	—
0207 39 21	183,41	57,82 (*)	—
0207 39 23	172,30	54,31 (*)	—
0207 39 25	283,68	96,86	—
0207 39 27	63,83	21,79 (*)	—
0207 39 31	309,79	85,05 (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	177,87	48,84 (*)	—
0207 39 35	92,20	31,48 (*)	—
0207 39 37	63,83	21,79 (*)	—
0207 39 41	236,03	64,80 (*)	—
0207 39 43	110,64	30,38 (*)	—
0207 39 45	199,15	56,68 (*)	—
0207 39 47	283,68	96,86 (*)	—
0207 39 51	63,83	21,79 (*)	—
0207 39 53	322,77	119,81 (?) (*)	—
0207 39 55	285,60	101,22 (?) (*)	—
0207 39 57	153,86	65,36	—
0207 39 61	169,07	62,76 (?) (*)	—
0207 39 63	188,05	61,70	—
0207 39 65	92,20	31,48 (?) (*)	—
0207 39 67	63,83	21,79 (?) (*)	—
0207 39 71	230,55	85,58 (?) (*)	—
0207 39 73	183,41	57,82 (?) (*)	—
0207 39 75	222,87	82,72 (?) (*)	—
0207 39 77	172,30	54,31 (?) (*)	—
0207 39 81	195,72	77,36 (?) (*)	—
0207 39 83	283,68	96,86	—
0207 39 85	63,83	21,79 (*)	—
0207 39 90	163,12	55,69	10
0207 41 10	285,60	101,22 (*)	—
0207 41 11	133,23	41,99 (*)	—
0207 41 21	92,20	31,48 (*)	—
0207 41 31	63,83	21,79 (*)	—
0207 41 41	183,41	57,82 (*)	—
0207 41 51	172,30	54,31 (*)	—
0207 41 71	283,68	96,86 (*)	—
0207 41 90	63,83	21,79 (*)	—
0207 42 10	309,79	85,05 (*)	—
0207 42 11	177,87	48,84 (*)	—
0207 42 21	92,20	31,48 (*)	—
0207 42 31	63,83	21,79 (*)	—
0207 42 41	236,03	64,80 (*)	—
0207 42 51	110,64	30,38 (*)	—
0207 42 59	199,15	54,68 (*)	—
0207 42 71	283,68	96,86 (*)	—
0207 42 90	63,83	21,79 (*)	—
0207 43 11	322,77	119,81 (?) (*)	—
0207 43 15	285,60	101,22 (?) (*)	—
0207 43 21	153,86	65,36	—
0207 43 23	169,07	62,76 (?) (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	188,05	61,70	—
0207 43 31	92,20	31,48 ⁽²⁾ (*)	—
0207 43 41	63,83	21,79 ⁽²⁾ (*)	—
0207 43 51	230,55	85,58 ⁽²⁾ (*)	—
0207 43 53	183,41	57,82 ⁽²⁾ (*)	—
0207 43 61	222,87	82,72 ⁽²⁾ (*)	—
0207 43 63	172,30	54,31 ⁽²⁾ (*)	—
0207 43 71	195,72	77,36 ⁽²⁾ (*)	—
0207 43 81	283,68	96,86	—
0207 43 90	63,83	21,79 (*)	—
0207 50 10	1 627,10	537,30	3 ⁽²⁾
0207 50 90	163,12	55,69	10
0209 00 90	141,84	48,43	—
0210 90 71	1 627,10	537,30	3
0210 90 79	163,12	55,69	10
1501 00 90	170,21	58,12	18
1602 31 11	295,04	81,00	17
1602 31 19	312,05	106,55	17
1602 31 30	170,21	58,12	17
1602 31 90	99,29	33,90	17
1602 39 11	280,86	100,82	—
1602 39 19	312,05	106,55	17
1602 39 30	170,21	58,12	17
1602 39 90	99,29	33,90	17

(¹) The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

(²) The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

(³) The Common Customs Tariff duties on these products originating in the developing countries and listed in Regulation (EEC) No 3833/90 are suspended and no levy is to be collected.

(*) 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 579/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

(⁵) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1791/92

of 1 July 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 17.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 179, 30. 6. 1992, p. 120.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 18.

⁽⁸⁾ OJ No L 180, 1. 7. 1992, p. 20.

⁽⁹⁾ OJ No L 243, 31. 8. 1991, p. 55.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

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

Products used in animal feed :

(ECU per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)	6th period 1 (1)
A. Peas used :							
— in Spain	8,973	8,973	9,130	9,029	9,186	9,344	9,196
— in Portugal	9,012	9,012	9,169	9,069	9,227	9,384	9,239
— in another Member State	9,012	9,012	9,169	9,069	9,227	9,384	9,239
B. Field beans used :							
— in Spain	8,973	8,973	9,130	9,029	9,186	9,344	9,196
— in Portugal	9,012	9,012	9,169	9,069	9,227	9,384	9,239
— in another Member State	9,012	9,012	9,169	9,069	9,227	9,384	9,239
C. Sweet lupins harvested in Spain and used :							
— in Spain	12,052	12,052	12,052	11,706	11,706	11,706	11,299
— in Portugal	12,104	12,104	12,104	11,761	11,761	11,761	11,356
— in another Member State	12,104	12,104	12,104	11,761	11,761	11,761	11,356
D. Sweet lupins harvested in another Member State and used :							
— in Spain	12,052	12,052	12,052	11,706	11,706	11,706	11,299
— in Portugal	12,104	12,104	12,104	11,761	11,761	11,761	11,356
— in another Member State	12,104	12,104	12,104	11,761	11,761	11,761	11,356

Final aid

(in national currency per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)	6th period 1 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	399,62	399,62	407,29	414,96	422,63	430,31	437,98
— Denmark (Dkr)	73,90	73,90	75,32	76,74	78,16	79,58	81,00
— Federal Republic of Germany (DM)	19,37	19,37	19,75	20,12	20,49	20,86	21,23
— Greece (Dr)	2 260,03	2 260,03	2 303,42	2 346,81	2 390,20	2 433,58	2 476,97
— Spain (Pta)	1 238,13	1 238,13	1 261,90	1 285,67	1 309,44	1 333,21	1 356,98
— France (FF)	64,98	64,98	66,23	67,48	68,72	69,97	71,22
— Ireland (£ Irl)	7,232	7,232	7,371	7,510	7,649	7,788	7,927
— Italy (Lit)	14 497	14 497	14 775	15 053	15 332	15 610	15 888
— Netherlands (Fl)	21,83	21,83	22,25	22,67	23,09	23,51	23,93
— Portugal (Esc)	1 708,21	1 708,21	1 740,80	1 773,39	1 805,98	1 838,57	1 871,16
— United Kingdom (£)	6,546	6,546	6,672	6,798	6,923	7,049	7,175

— Peas, and field beans used in Portugal (Esc): 12,38.

Partial aids

(in national currency per 100 kg)

[illegible]

[illegible]

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

[illegible]

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed:

(in national currency per 100 kg)

[illegible]

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	1,04	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,19	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,05	0,00
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	5,88	0,00
— Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	3,22	0,00
— France (FF)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,17	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,019	0,000
— Italy (Lit)	0	0	0	0	0	0	0	0	0	38	0
— Netherlands (Fl)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,06	0,00
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	4,40	0,00
— United Kingdom (£)	0,000	0,000	0,000	0	0,000	0,000	0,000	0,000	0,000	0,017	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	249,150	129,301	6,89509	0,767417	1 538,24	2,31643	170,536	0,704647

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

COMMISSION REGULATION (EEC) No 1792/92**of 1 July 1992****amending Regulation (EEC) No 2315/76 on the sale of butter from public storage**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 816/92 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Article 1 of Commission Regulation (EEC) No 2315/76 ⁽³⁾, as last amended by Regulation (EEC) No 1269/92 ⁽⁴⁾, lays down that the product put up for sale must have been put into storage by the intervention agency before 1 October 1990;

Whereas, in view of the development of stocks, these sales should be extended to butter taken into storage before 1 November 1990;

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

In Article 1 of Regulation (EEC) No 2315/76, '1 October 1990' is hereby replaced by '1 November 1990'.

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, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 261, 25. 9. 1976, p. 12.

⁽⁴⁾ OJ No L 137, 20. 5. 1992, p. 5.

COMMISSION REGULATION (EEC) No 1793/92

of 1 July 1992

fixing the minimum selling price for the purposes of the standing invitation to tender opened by Regulation (EEC) No 1514/92

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1514/92 of 11 June 1992, authorizing certain intervention agencies to put up for sale by tender 246 000 tonnes of common wheat for export in the form of flour ⁽³⁾, and in particular Article 3 thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for the intervention on the market in cereals ⁽⁴⁾, as last amended by Regulation (EEC) No 2203/90 ⁽⁵⁾, stipulates that when cereals held by intervention agencies are sold they shall be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁶⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁷⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas Commission Regulation (EEC) No 1514/92 authorizes certain intervention agencies to put up for sale by tender 246 000 tonnes of common wheat for export in the form of flour;

Whereas Commission Regulation (EEC) No 1514/92 fixed a minimum selling price for the 246 000 tonnes of common wheat in question; whereas another price should be fixed so that the measure remains operational;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 1514/92 is replaced by the following:

'Article 3

The minimum selling price for the purposes of the standing invitation to tender issued under Regulation (EEC) No 1514/92, shall be ECU 145,00 per tonne.'

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 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 159, 12. 6. 1992, p. 29.

⁽⁴⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁶⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁷⁾ OJ No L 288, 18. 10. 1991, p. 21.

COMMISSION REGULATION (EEC) No 1794/92

of 1 July 1992

amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 816/92⁽²⁾, and in particular Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream⁽³⁾, as last amended by Regulation (EEC) No 2045/91⁽⁴⁾, and in particular Article 7a thereof,

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter⁽⁵⁾, as last amended by Regulation (EEC) No 1264/92⁽⁶⁾, the butter put up for sale must have been taken into storage before a date to be determined; whereas the same applies to butter sold under the arrangements laid down in Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other food stuffs⁽⁷⁾, as last amended by Regulation (EEC) No 124/92⁽⁸⁾;

Whereas, in view of butter stocks and quantities available, the dates in Article 1 of Council Regulation (EEC) No

1609/88 of 9 June 1988 setting the latest time of entry into storage for butter sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88⁽⁹⁾, as last amended by Regulation (EEC) No 1270/92⁽¹⁰⁾, should be amended;

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

Article 1 of Regulation (EEC) No 1609/88 is hereby replaced by the following:

Article 1

The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 November 1990.

The butter referred to in Article 1 of Regulation (EEC) No 570/88 must have been taken into storage before 1 November 1990.

Article 2

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

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 187, 13. 7. 1991, p. 1.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 135, 19. 5. 1992, p. 5.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 14, 21. 1. 1992, p. 28.

⁽⁹⁾ OJ No L 143, 10. 6. 1988, p. 23.

⁽¹⁰⁾ OJ No L 137, 20. 5. 1992, p. 6.

COMMISSION REGULATION (EEC) No 1795/92**of 1 July 1992****abolishing the countervailing charge and re-establishing a preferential customs duty on imports of cherries originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1156/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1640/92⁽³⁾ introduced a countervailing charge on cherries originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for Turkish products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas

the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1640/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 2 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 122, 7. 5. 1992, p. 3.

⁽³⁾ OJ No L 171, 26. 6. 1992, p. 45.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 1796/92
of 1 July 1992
amending Regulation (EEC) No 1591/92 introducing a countervailing charge on
cherries originating in Bulgaria

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1156/92⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1591/92⁽³⁾ introduced a countervailing charge on cherries originating in Bulgaria;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1591/92, 'ECU 37,86' is hereby replaced by 'ECU 51,36'.

Article 2

This Regulation shall enter into force on 2 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 122, 7. 5. 1992, p. 3.

⁽³⁾ OJ No L 168, 23. 6. 1992, p. 18.

COMMISSION REGULATION (EEC) No 1797/92

of 1 July 1992

fixing the maximum export refund for white sugar for the ninth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 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 920/92, 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 ninth partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas by its Regulation (EEC) No 1432/92⁽⁴⁾ the Council prohibited trade between the Community and the Republics of Serbia and of Montenegro; that it is important to take account of it at the time of the fixing of the refunds;

Whereas 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 ninth partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 42,366 per 100 kilograms.
2. Export refunds towards the Republics of Montenegro and Serbia are not fixed.

Article 2

This Regulation shall enter into force on 2 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 151, 3. 6. 1992, p. 4.

COMMISSION REGULATION (EEC) No 1798/92

of 1 July 1992

fixing, for the 1992/93 marketing year, the flat-rate amount provided for under
the system of minimum stocks in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81
of 30 June 1981 on the common organization of the
markets in the sugar sector⁽¹⁾, as last amended by
Regulation (EEC) No 61/92⁽²⁾, and in particular Article
12 (3) thereof,

Having regard to Council Regulation (EEC) No 1789/81
of 30 June 1981 laying down general rules concerning
the system of minimum stocks in the sugar sector⁽³⁾,

Whereas Articles 3 (b) and 6 (a) of Regulation (EEC) No
1789/91 provide for the reimbursement of the pecuniary
advantage included in the intervention price on account
of the costs involved in maintaining the minimum stock ;

Whereas, in order to determine that pecuniary advantage,
Commission Regulation (EEC) No 189/77 of 28 January
1977 laying down detailed rules for the application of the
system of minimum stocks in the sugar sector⁽⁴⁾, as
amended by Regulation (EEC) No 1920/81⁽⁵⁾, provides
for a flat-rate amount to be fixed for each 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

For the 1992/93 marketing year, the flat-rate amount
referred to in Article 6 of Regulation (EEC) No 189/77
shall be ECU 0,162 per 100 kilograms of sugar expressed
as white sugar.

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 from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 177, 1. 7. 1981, p. 39.

⁽⁴⁾ OJ No L 25, 29. 1. 1977, p. 27.

⁽⁵⁾ OJ No L 189, 11. 7. 1981, p. 23.

COMMISSION REGULATION (EEC) No 1799/92

of 1 July 1992

fixing for the 1992/93 marketing year the amount of the levy in connection with
the offsetting of storage costs for sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 8 (5) thereof,

Whereas Article 8 (1) of Regulation (EEC) No 1785/81 provides that the storage costs for sugar and syrups shall be reimbursed at a flat rate by the Member States;

Whereas Article 6 of Council Regulation (EEC) No 1358/77 ⁽³⁾, as last amended by Regulation (EEC) No 3042/78 ⁽⁴⁾, provides that the amount of the levy for Community sugar shall be calculated by dividing the total estimated reimbursement by the estimated quantity of sugar which will be marketed during the sugar marketing year in question; whereas the total estimated reimbursement is to be increased or decreased, as the case may be, by the amounts carried forward from previous marketing years;

Whereas Article 8 (4) of Regulation (EEC) No 1785/81 provides that the monthly reimbursement amount shall be fixed by the Council simultaneously with the derived intervention prices; whereas the amount for 1992/93 as laid down in Council Regulation (EEC) No 1749/92 ⁽⁵⁾, is ECU 0,52 per 100 kilograms of white sugar;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1358/77, the quantity in store to be taken into account for the reimbursement of any one month's storage costs is equal to the arithmetic mean of the quantities held in store in the beginning and at the end of the month in question; whereas, for the 1992/93 marketing year, the quantities of Community sugar in store each month may be estimated by reference to estimated stocks at the

beginning of the marketing year, estimated monthly production and the quantities likely to be marketed for domestic consumption or exported during the same month; whereas total average monthly stocks during the 1992/93 marketing year can be estimated at approximately 76 million tonnes of sugar expressed as white sugar; whereas the total reimbursement for Community sugar can thus be estimated at approximately ECU 397 million for the 1992/93, marketing year; whereas the balance of previous sugar marketing years can be estimated at a positive amount of ECU 62 million; whereas the detailed rules for the application of the system of offsetting storage costs for sugar provide that the levy is to be fixed per 100 kilograms of white sugar; whereas the quantity of Community sugar which will be marketed during the 1992/93, marketing year for home consumption or for export may be estimated at approximately 13,4 million tonnes of sugar expressed as white sugar; whereas the amount of the levy for Community sugar should therefore be ECU 2,50 per 100 kilograms of white sugar;

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

For the 1992/93 marketing year, the amount of the levy referred to under the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81 is hereby fixed at ECU 2,50 per 100 kilograms of white sugar.

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 from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 156, 25. 6. 1977, p. 4.

⁽⁴⁾ OJ No L 361, 23. 12. 1978, p. 8.

⁽⁵⁾ OJ No L 180, 1. 7. 1992, p. 14.

COMMISSION REGULATION (EEC) No 1800/92**of 1 July 1992****adapting the accession compensatory amounts fixed in the sugar sector by
Regulation (EEC) No 581/86**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 469/86 of 25 February 1986 laying down general rules for the system of accession compensatory amounts in the sugar sector⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 8 of Council Regulation (EEC) No 1716/91 of 13 June 1991 concerning the alignment of the sugar and beet prices applicable in Spain on the common prices⁽²⁾ provides, in respect of the calculation of the accession compensatory amounts referred to under point 1 of Article 72 of the Act of Accession during the first stage of the said alignment, within the meaning of the said Article, that in so far as sugar is concerned 'common price' shall be understood to mean for Spain the intervention price for white sugar fixed for the non-deficit areas of the Community increased by an amount of ECU 0,56 per 100 kilograms expressed as white sugar for the 1992/93 marketing year and that in so far as beet is concerned 'common price' shall be understood mean for Spain the basic price for beet fixed for the Community increased by an amount of ECU 0,728 per tonne for the 1992/93 marketing year; whereas, insofar as Portugal is concerned, the institutional prices for sugar beet and for sugar are aligned to the common prices from the 1992/93 marketing year;

Whereas the alignment on 1 July 1992 of the said prices makes it necessary to adapt the accession compensatory amounts fixed by Commission Regulation (EEC) No 581/86 of 28 February 1986 laying down detailed rules for the application of the system of accession compensatory amounts and fixing accession compensatory amounts and fixing accession compensatory amounts in the sugar⁽³⁾, as last amended by Regulation (EEC) No 1870/91⁽⁴⁾;

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 581/86 is replaced by the Annex to this Regulation.

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 from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 32.
⁽²⁾ OJ No L 162, 26. 6. 1991, p. 18.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 27.
⁽⁴⁾ OJ No L 168, 29. 6. 1991, p. 57.

ANNEX

			Accession compensatory amounts to be charged (–) or to be granted (+) in the following trade	
CN code	Table (¹)	Additional code (²)	From Spain to third countries or to other Member States	From third countries or from other Member States to Spain
1212 91 10 ex 1212 91 90 (¹)			ECU/1 000 kg	
			+ 5,35 + 19,80	– 5,35 – 19,80
1701 91 00 1701 99 10 1701 99 90 1701 11 10 1701 11 90 1701 12 10 1701 12 90	17-6 } 17-7	7337 7340	ECU/100 kg	
			+ 6,00	– 6,00
	} 17-5	{ 7334 7335		
1702 60 90 1702 90 90 1702 90 60 1702 90 71 2106 90 59	} 17-10	{ 7346 7347	Basic compensatory amounts in ECU per 1 % of sucrose content or, as the case may be, of extractable sugar and per 100 kg net of products in question	
	17-11	{ 7350 7351	+ 0,060	– 0,060
	17-12	{ 7355 7356		
	21-6	{ 7424 7425		

(¹) Sugar beet, dried or powdered, of a sucrose content, on a basis of dry matter, of at least 50 %.

(²) See appendix to Annex I to Commission Regulation (EEC) No 1641/91 (OJ No L 153, 17. 6. 1991, p. 1).

COMMISSION REGULATION (EEC) No 1801/92

of 1 July 1992

fixing for the 1992/93 marketing year, the threshold prices for cereals and for certain classes of flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 5 (5) and (6) thereof,Whereas Article 5 (1) of Regulation (EEC) No 2727/75 provides that the threshold price for the principal cereals must be fixed in such a way that the selling price for imported products on the Duisburg market is the same as the target price; whereas this is achieved by deducting from the target price the most advantageous transport costs between Rotterdam and Duisburg, transshipment charges at Rotterdam and a trading margin; whereas the target prices have been fixed for the 1992/93 marketing year by Council Regulation (EEC) No 1742/92⁽³⁾;

Whereas the threshold prices for other cereals for which no target price is fixed must, in accordance with Article 5 (2) of Regulation (EEC) No 2727/75, be so determined that the target price for the principal cereals in competition with these products may be reached on the Duisburg market;

Whereas, pursuant to Article 5 (5) of the abovementioned Regulation, the threshold prices for wheat flour, meslin flour and rye flour and for wheat groats and meal must be fixed according to the rules and for the standard qualities laid down in Articles 5, 6 and 7 of Council Regulation (EEC) No 2226/88⁽⁴⁾; whereas the calculations made in accordance with those rules give the prices shown below;

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

Without prejudice to the last subparagraph of Article 5 (1) of Regulation (EEC) No 2727/75, the threshold prices for the 1992/93 marketing year for the products listed in Article 1 (a), (b) and (c) of the said Regulation shall be fixed as follows:

	(ECU/tonne)
Common wheat and meslin:	221,68,
Rye:	201,37,
Barley:	201,37,
Maize:	201,37,
Durum wheat:	264,31,
Oats:	193,32,
Buckwheat:	201,37,
Sorghum:	201,37,
Millet:	201,37,
Canary seed:	201,37,
Wheat and meslin flour:	337,10,
Rye flour:	310,92,
Common wheat groats and meal:	364,07,
Durum wheat groats and meal:	414,90.

*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 from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.⁽³⁾ OJ No L 180, 1. 7. 1992, p. 6.⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 23.

COMMISSION REGULATION (EEC) No 1802/92

of 1 July 1992

reducing the prices fixed for cereals for the 1992/93 marketing year pursuant to the stabilizer arrangements

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

Having regard to Council Regulations (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 4b (3),

Whereas the Commission has noted pursuant to Article 4b (4) of Regulation (EEC) No 2727/75 that production of cereals in 1991/92 has exceeded the maximum guaranteed quantity for the marketing year in question ; whereas, pursuant to Article 4b (3) of Regulation (EEC) No 2727/75, the intervention prices fixed for the cereals by the Council for the 1992/93 marketing year should be reduced by 3 % and the target prices should be adjusted ;

Whereas, for the sake of clarity, the special price increases fixed in the Annex to Council Regulation (EEC) No

1739/92 of 30 June fixing the prices applicable to cereals for the 1992/93 marketing year ⁽³⁾ should be incorporated in the Annex thereto,

HAS ADOPTED THIS REGULATION :

Article 1

Pursuant to Article 4b (3) of Regulation (EEC) No 2727/75, the prices applicable to cereals in the 1992/93 marketing year shall be those fixed 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 from 1 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 2.

ANNEX

	(ECU/tonne)		(ECU/tonne)
COMMON WHEAT		MAIZE	
Intervention price ⁽¹⁾	163,49	Intervention price	163,49
Target price	226,47	Common target price	206,16
RYE		GRAIN SORGHUM	
Intervention price ⁽²⁾	155,33	Intervention price	155,33
Common target price	206,16	Common target price	206,16
BARLEY		DURUM WHEAT	
Intervention price	155,33	Intervention price :	220,87
Common target price	206,16	Target price	269,10

⁽¹⁾ The price is to be increased by ECU 3,27 tonne for breadmaking common wheat meeting the specific quality criteria laid down in Commission Regulation (EEC) No 1570/77 (OJ No L 174, 14. 7. 1977, p. 18).

⁽²⁾ The price is to be increased by ECU 4,09 tonne for breadmaking rye meeting the specific quality criteria laid down in Regulation (EEC) No 1570/77.

COMMISSION REGULATION (EEC) No 1803/92

of 1 July 1992

fixing the production refund for white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Regulation (EEC) No 464/91⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 464/91, specifies the method to be used for establishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1

October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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 production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 33,785 for the period 2 July to 30 September 1992. For flavoured sugars or sugars containing added colouring agents or containing other substances obtained from white sugar or raw sugar the production refund shall be established by multiplying this amount by the sucrose content of the sugar in question determined in accordance with the polarimetric method as a percentage of the dry matter weight.

Article 2

This Regulation shall enter into force on 2 July 1992.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

COMMISSION REGULATION (EEC) No 1804/92

of 1 July 1992

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾, and in particular Article 3 thereof,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1780/92⁽⁶⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁷⁾, amended Council Regulation (EEC) No 2744/75⁽⁸⁾, as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 30 June 1992;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽⁹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹⁰⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to Regulation (EEC) No 1780/92 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 2 July 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁶⁾ See page 34 of this Official Journal.

⁽⁷⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁸⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 1 July 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 July 1992 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies ^(*)	
	ACP	Third countries (other than ACP) ^(*)
1103 19 10	271,13	277,17
1103 29 10	271,13	277,17
1104 19 30	271,13	277,17
1104 29 15	200,34	203,36
1104 29 35	241,01	244,03
1104 29 95	153,64	156,66

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1989

concerning aid granted by the Belgian Government to undertakings in the pharmaceutical industry in the form of programme contracts

(Only the French and Dutch texts are authentic)

(92/327/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty established the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice to the parties concerned to submit their comments, in accordance with the abovementioned Article 93, and having regard to such comments,

Whereas :

I

By letter dated 12 May 1986 the Commission asked the Belgian authorities to notify public assistance granted to undertakings in the pharmaceutical industry in the form of programme contracts.

Since the Belgian authorities did not provide the information requested, the Commission took the view that, given the high level of intra-Community trade in the pharmaceutical sector, the measures constituted aid within the meaning of Article 92 (1) and, on the basis of the information at its disposal, considered that the measures did not seem to satisfy the conditions for exemption laid down in Article 92 (3). It therefore initiated the procedure provided for in Article 93 (2) in respect of the aid by decision adopted on 29 July 1986. By letter dated 1 August 1986, the Belgian authorities belatedly provided certain information concerning the programme contract system.

Under the abovementioned procedure, by letter dated 4 August 1986, the Commission gave the Belgian Government notice to submit its comments. In accordance with

the provisions of Article 93 (2), the other Member States and other parties concerned were also given notice to submit their comments.

II

The Belgian authorities submitted their comments by letter dated 5 September 1986; in the letter, they stated that the programme contract system should be viewed in the context of the setting of prices and of production costs and not as aid to undertakings. The programme contract system, they argued, allowed firms to plan their expenditure forecasts better in relation to their own forecasts of revenue.

By letter dated 21 December 1987, the Belgian authorities announced that they had decided to discontinue the system. Indeed, as far as the Commission is aware, no new programme contract has been concluded. Nevertheless, the existing programme contracts have continued to apply, requiring continued financing of the fund intended for the reimbursement of the additional health insurance costs.

Under the abovementioned procedure, two Member States, eight undertakings and one association of pharmaceutical undertakings submitted their comments. By letter dated 6 October 1989, the Commission passed these comments on to the Belgian authorities, requesting them to submit their observations, which have not, however, been received to date.

Maximum prices for pharmaceutical products are frozen in Belgium; exemptions from the price freeze are possible, but the conditions laid down by the Minister for Economic Affairs for changes to the maximum prices are so strict that the Belgian authorities have themselves felt the need to allow price rises under other conditions and have for this purpose developed the system of programme contracts.

Thus, under Royal Decree No 248 of 31 December 1983 partially extending the Law of 9 July 1975 abrogating Article 62 of the Law of 14 February 1961 on economic expansion, social progress and financial recovery and instituting a system of prices for branded pharmaceuticals and other pharmaceutical products, the Minister for Economic Affairs and the Minister for Social Welfare may jointly conclude with producers, importers or packagers of branded pharmaceuticals and other pharmaceutical products, individually or as a group, or with the sector, programme contracts designed to promote investment, employment, basic research and exports.

The programme contracts contain provisions on the trend of prices for branded pharmaceuticals and other pharmaceutical products during a given period within the limits of a budgetary amount set annually in the light of the budget of the Institut National d'Assurance Maladie-Invalidité (INAMI) and taking account of commitments to compensate expenditure in excess of the budgetary amounts set.

Pharmaceutical products covered by a programme contract enjoy two advantages over those not covered by a programme contract.

Firstly, the price of pharmaceutical products covered by a programme contract within the meaning of Article 2 (a) of the Law of 9 July 1975 may be increased, whereas the maximum prices of other pharmaceutical products are frozen under Article 2 of the same Law and may be increased only under the very strict conditions provided for by that Law.

Secondly, pharmaceutical products covered by a programme contract within the meaning of Article 2 (1) of the Law of 9 July 1975 enjoy preferential arrangements as regards eligibility for reimbursement, since they are not subject in this respect to the provisions of Article 5 of the Royal Decree of 2 September 1980 and since they may not be used as a comparative basis for the setting of the reimbursement basis for other products. In practical terms, this means that pharmaceutical products covered by a programme contract are eligible for reimbursement notwithstanding the existence on the market of other less expensive pharmaceutical products, having an equivalent

therapeutic effect, such products being in some cases ineligible for reimbursement⁽¹⁾.

So as to prevent the additional burden of the price increases from being borne solely by the budget of Inami which would have to deal with them, Inami is compensated by a fund which was set up under Article 85 of the Law of 1 August 1985 on fiscal and other measures and which is financed by appropriations entered in the budget of the Ministry for Economic Affairs.

The volume of appropriations annually made available to the fund is as follows⁽²⁾:

- 1986: Bfr 487 million,
- 1987: Bfr 1 128 million,
- 1988: Bfr 1 468 million.

III

The price increases authorized within the framework of the conclusion of programme contracts constitute State aid within the meaning of Article 92 (1), since they enable the beneficiaries to carry out investment and/or research, to take on staff and to promote exports without having to bear the normal costs of such measures. Furthermore, as is shown in detail below, the Community market in pharmaceutical products is highly competitive and involves substantial intra-Community trade (see Chapter V).

IV

Such aid should have been notified to the Commission in accordance with Article 93 (3). Without prior notification by the Belgian Government, the Commission was unable to give a ruling on such measures before their implementation.

This fact meant that they were unlawful under Community law as from the time they were implemented. The failure to carry out the mandatory notification has resulted in a situation which is all the more unfortunate as the aid has been paid since 1986.

⁽¹⁾ As a result of the conditions to which the conclusion of programme contracts is subject, in practice only pharmaceutical products developed and manufactured in Belgium may be covered by a programme contract; since the concept of programme contracts in the pharmaceutical sector is thus fundamentally incompatible with the establishment of a common market, the programme contracts are also the subject of proceedings for infringement of Article 30 of the EEC Treaty — A/86/40.

⁽²⁾ Budget of the Ministry for Economic Affairs for the financial year 1988 (10), 4/12 — 523/1 — 1988, page 135.

The procedural rules laid down in Article 93 (3), which are a matter of public policy and whose direct effect the Court of Justice recognized in its judgment delivered on 19 June 1973 in Case 77/72, are mandatory. The unlawfulness of the aid derives from the failure to comply with the procedural rules laid down in Article 93 (3). In addition, where aid is incompatible with the common market, the Commission may avail itself of the possibility afforded to it by the Judgment of the Court of Justice delivered on 12 July 1973 in Case 70/72, confirmed by the Judgment of 24 February 1987 in Case 310/85, of requiring Member States to recover from recipients the amount of any aid improperly paid to them.

V

The market for pharmaceutical products has certain characteristics which distinguish it very clearly from the markets for other consumer products. In the first place, the final consumer of a pharmaceutical product has generally only a very limited influence on the choice of the pharmaceutical product, at least as regards those which he consumes on the basis of a medical prescription. In addition, demand for a pharmaceutical product is normally linked to treatment of a given infection, and pharmaceutical products can be substituted one for another to no more than a limited extent. Secondly, the market for pharmaceutical products is characterized by the fact that the social security institutions take the place of consumers to some extent in assuming the medical costs.

Nevertheless, the Community pharmaceutical market is highly competitive and involves substantial intra-Community trade. In 1984, Europeans consumed ECU 25 750 million worth of pharmaceutical products, equivalent to 0,78 % of Community GDP. On average, 43 % of such consumption was supplied by undertakings established within the territory of the 'consuming' Member State, 23 % by undertakings from other Member States and 34 % from non-Community undertakings, principally from the United States or Switzerland (often through subsidiaries established in the Member countries).

Foreign trade statistics (1986) show that there is substantial trade between Member States in pharmaceutical products, the total amount of such trade being ECU 3 700 million. Competition between Member States also takes place on non-Community markets, where Community exports amount to ECU 5 200 million.

Belgium, which is the fourteenth largest pharmaceutical market worldwide, is one of the Community's major producer countries. In 1986, its production totalled Bfr 77 000 million (ECU 1 790 million) (1987: Bfr 79 500 million). A large proportion of exports, which accounted

for 51,6 % of output, went to the other Member States, which in 1986 imported pharmaceutical products worth ECU 575,9 million from the Belgo-Luxembourg Economic Union.

In their letter dated 5 September 1986, the Belgian authorities stated that five firms were involved in the programme contracts system and that there were no definite plans for other undertakings.

However, as far as the Commission is aware, nine undertakings with a total turnover of more than Bfr 24 000 million, or more than one quarter of Belgian pharmaceutical production, have concluded programme contracts. In 1985, their exports to other Member States (EUR 10) amounted to more than Bfr 7 000 million.

In view of the above considerations regarding the situation in the market concerned and the large volume of intra-Community trade, the aid in question is liable to affect trade between Member States and to distort competition within the meaning of Article 92 (1).

Where financial aid granted by a Member State strengthens the position of certain undertakings compared with their competitors in the common market, such competitors must be deemed to be affected by such aid. In the case in point, the aid in the form of permission to increase prices enables the beneficiaries to reduce costs which they would normally have had to bear in full.

The aid has thus distorted and is continuing to distort competition by facilitating the financing of investment (machinery, construction, etc.), research and measures to promote exports and by subsidizing employment costs.

VI

Article 92 (1) lays down the principle that aid having the characteristics which it stipulates is incompatible with the common market; as regards the exceptions to that principle, those provided for in Article 92 (2) are inapplicable in this particular case, given the nature and the objectives of the aid.

Under Article 92 (3), aid which may be considered to be compatible with the common market must be viewed within the Community context. So as to maintain the smooth functioning of the common market and take account of the principles laid down in Article 3 (f), derogations Article 92 (3) from the principle laid down in Article 92 (1) must be interpreted narrowly in examining individual aid measures.

In particular, the exemptions apply only if the Commission finds that, without the aid, market forces would not in themselves be sufficient to prompt recipients to take action in order to achieve one of the objectives pursued.

Applying the exemptions to cases which do not contribute to such an objective or where the aid is not necessary for this purpose would amount to conferring advantages on the industries or undertakings of certain Member States, whose financial position would be artificially strengthened, and to distorting competition, without any justification based on the common interest as referred to in Article 92 (3).

The Belgian Government has not been able to provide, or the Commission to identify, any reason that would allow the aid to be covered by one of the exemptions provided for in Article 92 (3).

VII

Accordingly, having regard to the provisions of Article 92 (3) (a) concerning aid to promote the development of certain regions, it must be concluded that the regions in which the beneficiaries of the price increases are situated do not suffer from an abnormally low standard of living or from underemployment within the meaning of the exemption provided for in Article 92 (3) (a). The regions concerned are not among the regions eligible for this exemption.

Nor does the aid fulfil the conditions laid down in Article 92 (3) (c) regarding the regional aspect. The granting of aid to a number of undertakings in a given sector whose production sites are located in different regions is not aimed at facilitating the development of certain areas, nor has the Belgian Government in this case invoked such ground to justify the conclusion of programme contracts. Consequently, the aid is not eligible for this particular derogation.

As regards the exemptions provided for in Article 92 (3) (b), there are no elements whatsoever which indicate that the aid is intended to promote a project of common interest or to remedy a serious disturbance in the Belgian economy, nor has the Belgian Government invoked any such grounds as justification for the aid.

Lastly, as regards the exemption provided for in Article 92 (3) (c) concerning 'aid to facilitate the development of certain economic activities', it should be noted that, although the aid facilitates the development of the undertakings which have concluded programme contracts, it does not facilitate the development of the pharmaceutical industry at Community level and has an impact contrary to the common interest on intra-Community trade.

The system of setting maximum prices and the system of eligibility for reimbursement which are applied in Belgium have the effect of maintaining the prices for

pharmaceutical products, and in particular for reimbursed pharmaceutical products, on the Belgian market at an excessively low level, to the extent of creating problems of profitability for a large number of operators.

A large number of pharmaceutical products are marketed in Belgium under precarious conditions of profitability. This fact was noted by the Belgian authorities⁽¹⁾ which, in setting up the fund for the reimbursement of Inami, stated that the need to reduce as far as possible the impact of the cost of the reimbursed pharmaceutical products meant that the Ministry for Social Affairs and Inami had to be very strict as regards the obtaining of a price for a pharmaceutical product eligible for reimbursement and that the consequence of this policy was harming the development of the pharmaceutical industry, which had to bear the costs of research and major investment and was by that very fact preventing certain undertakings from carrying out investment and recruitment of staff.

The conclusion of a programme contract between a pharmaceutical undertaking and the Belgian activities allows the prices of pharmaceutical products to be increased under a system of price setting (without loss of the right to reimbursement by the health insurance fund), leading to a continuous increase in incomes which is used, depending on the contract concluded, to finance investment, research projects, staff recruitment and/or the promotion of exports.

However, such activities entered into by undertakings which have concluded contracts are in the aid recipients' own interests since they form part of the normal activities of any undertaking in the pharmaceutical industry wishing to maintain or improve its market position.

Given the intensity of competition on the Community pharmaceutical market and the volume of intra-Community trade, the granting of any aid, even indirectly through selective permission to increase prices within the framework of a price setting system, with reimbursement of additional sickness insurance costs by the relevant fund, has a particularly serious effect on competition between the different producers.

Such distortion is amplified by the fact that the Belgian pharmaceutical market is a regulated market. The Belgian authorities themselves have stated that the prices imposed have a serious effect on the profitability of the producers, preventing them in some cases from financing essential investment in research and development, production, the recruitment of staff and even the promotion of sales.

⁽¹⁾ Parliamentary document of the Senate, 1984 - 1985 session, 83, p. 6, 23 May 1985.

Although such activities are in the pharmaceutical undertakings' own interests so as to ensure their medium and long-term viability, because of the abovementioned low level of profitability imposed by the Belgian Government, only the undertakings which have concluded contracts are able to pursue them.

Furthermore, the granting of aid in the form of selective permission to increase prices within the framework of the price setting system has much more serious consequences than the granting of normal aid in the form of a capital grant or an interest subsidy on a loan of limited duration; contrary to such aid, the permission to increase prices leads to permanent additional revenue equivalent to the regular granting of an annual subsidy amounting to the product of the difference between prices before and after the increase and the volume of the pharmaceutical products sold. In the long term, the additional turnover generated by the conclusion of a programme contract should thus exceed the total costs of the investments and activities which the recipient has carried out.

Allowing aid in the form of contract programmes that enable a limited number of pharmaceutical undertakings to increase their prices on the Belgian market (rather than allowing an increase in the general price level) would amount to imposing on the competitors of such undertakings a disadvantage which might force them to withdraw in whole or in part from the market.

Consequently, the aid does not facilitate the development of the Community sector in question and adversely affects trading conditions to an extent contrary to the common interest, within the meaning of Article 92 (3) (c).

VIII

In conclusion, the aid in the form of programme contracts is unlawful, since the Belgian Government has failed to fulfil its obligations under Article 93 (3). In addition, the aid does not fulfil the conditions laid down in order to qualify for one of the exemptions provided for in Article 92 (2) and (3).

Accordingly, no new programme contract between pharmaceutical undertakings and the Belgian authorities may

be concluded and the aid derived from the conclusion of such contracts must be abolished with effect from the date of this Decision,

HAS ADOPTED THIS DECISION :

Article 1

The system of aid in the form of programme contracts for various pharmaceutical undertakings is unlawful since it was introduced in breach of the procedural rules provided for in Article 93 (3) of the EEC Treaty. The aid is, moreover, incompatible with the common market within the meaning of Article 92 of the EEC Treaty.

Article 2

The Kingdom of Belgium shall not conclude any further programme contracts and shall abolish aid derived from contracts concluded in the past with effect from the date of this Decision.

Article 3

The Kingdom of Belgium shall inform the Commission within two months of the date of this Decision of the measures taken to comply with it.

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 20 December 1989.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 20 December 1989

concerning aid granted by the French Government for the disposal of the assets of the MFL Group (Machines françaises lourdes), producer of heavy-duty machine tools

(Only the French text is authentic)

(92/328/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice in accordance with the above Article to interested parties to submit their comments and having regard to those comments,

Whereas :

I

As a result of information published in the French press, by letter dated 22 February 1988 the French authorities were requested to notify the Commission of certain steps taken by the public authorities in favour of the companies of the MFL Group.

Despite repeated reminders, the French authorities did not reply to the Commission's requests. For that reason, and having well-founded doubts as to the compatibility with the Treaty of those alleged State measures, the Commission decided to initiate a formal investigation procedure pursuant to Article 93 (2) of the EEC Treaty. In this respect, the Commission took into account the strong competition prevailing among machine-tool producers within the Community, for which any aid measure granted to a specific producer involves a high risk of distortion of competition.

The decision was communicated to the French Government by letter of 22 December 1988, giving it notice to submit its comments. The other Member States were informed by letters dated 12 May 1989.

Finally, notice to other interested parties was given on 20 May 1989 by means of the publication of a notice in the *Official Journal of the European Communities*.

II

The first details on the public measures were furnished by the French authorities by letter dated 14 March 1989. They were completed by letters dated 15 June and 20 July 1989, at the Commission's request.

According to them, in March and May 1988 the French authorities had decided to contribute to the recovery plan of the production facilities of MFL, whose assets had been sold to third producers under receivership proceedings initiated in November 1987.

MFL was a holding company created in 1983 by the merger of several pre-existing machine-tool producers into two production subsidiaries, namely Forest Line and Berthiez Saint-Étienne. The group structure was completed by two trading companies in the USA, MFL Inc. and Goldsworthy.

The formation of MFL responded to the objectives of the Machine-Tool Programme, a government-backed programme implemented in France between 1982 and 1985 with the purpose of reorganizing and supporting the restructuring of the national industry which was in serious difficulties. The underlying basic idea was to regroup several small machine-tool concerns which were in difficulty into large groups better placed to face foreign competition. Under the programme, the French Government invested about FF 2 600 million (ECU 366 million) in the form of profit-sharing loans (61 %) and subsidies and repayable advances (39 %), funding various activities, such as social restructuring and training (40 %), research and development and commercial measures (32 %), and modernization of production equipment (28 %). It should be noted that, as regards the aid involved in the Machine-Tool Programme, in 1986 the Commission decided to close an investigation procedure without raising any objection to the programme's execution in view of its contribution to the development within the Community of this industry of strategic importance.

For the creation of MFL, the French Government intervened through Sopari (State-owned company for participation in companies and industrial restructuring) taking a majority shareholding (35,2 %). At the same time nine other French industrial groups were recruited as partners (Usinor, Sacilor, Renault, Alstom, Peugeot, Schneider, Snecma, Dassault, Aérospatiale). They were in general nationalized groups, and presented the common characteristic of being final users of the MFL product range. Thus, MFL was conceived as a specialized supplier of machine tools for strategic sectors. The MFL production break-down by purchasing sector was as follows : aeronautics (30 %), armaments (20 %), energy (10 %), automobile (6 %), mechanical and others (34 %).

At the end of 1986, the production subsidiaries of MFL had the following profile :

- Forest Line (FL) — industrial plants situated in Albert (Somme) and Capdenac (Lot), basically specialized in milling machines — : 602 workers ; a turnover of FF 376 million with FF 71 million losses on ordinary activities ; since 1983 FL had registered FF 191 million losses on ordinary activities,
- Berthiez Saint-Étienne (BSE) — industrial plant situated in Saint-Étienne (Loire), specialized in flexible machining centres, heavy winding machines and rectifiers — : 508 workers ; a turnover of FF 242 million with FF 112 million losses on ordinary activities ; since 1983 BSE had registered FF 389 million losses on ordinary activities.

These figures clearly show that, since its creation in 1983 and despite significant State support under the Machine-Tool Programme estimated at about FF 1 000 million aid, MFL always operated under great difficulties. This troublesome situation was also common for some other French companies aided under the same programme, mainly as a result of the overall recession in the sector and the impossibility of competing against foreign producers. As a consequence several of them either went bankrupt or were taken over by Japanese or other European groups.

For MFL the situation became untenable in November 1987, when it went into the legal state of suspension of payments and French commercial courts placed its subsidiaries in the hands of judicial administrators. This temporary state was for the purpose of assessing its financial situation and recovery possibilities. In this context, the French authorities initiated contacts to find new investors to back MFL. These contacts succeeded with two different groups interested in taking control of the MFL subsidiaries after an eventual liquidation. Therefore the recovery of MFL activities was planned in the form of liquidation followed by disposal of assets in favour of the two bids presented by potential purchasers.

Forest Line (FL) — In January 1988, the Commercial Court of Paris decided to accept the sole purchase bid submitted for this subsidiary. The French group Brisard (FF 700 million turnover with 1 200 workers) offered FF 8 million for the assets related to FL operations, to the exclusion of receivables. In addition Brisard agreed to keep 495 of the workforce of 558. For this purpose, a new undertaking would be created, Brisard Machine-Outil (BMO), to which Brisard formally agreed to put up FF 65 million. The private fixed financing of BMO would be completed by FF 45 million from other investors in the form of medium and long-term credits. Finally, in March 1988 the French Government decided to contribute to the company's recovery with FF 25 million in the form of a repayable advance, to be repaid over 10 years following the sixth accounting period from that in which the assets were disposed of, if the cash flow to turnover ratio exceeded 15 % at that time.

In addition, the French authorities decided to finance an extraordinary social plan for the 63 workers not taken over by BMO. This extraordinary measure with a cost for the State of FF 4 972 million, was made outside the scope of application of the FNE (Fond national de l'emploi), the general aid scheme applicable in France in the event of redundancies. With this additional sum, those workers will receive supplementary severance payments, employment premiums, re-training and where possible extraordinary payments for early-retirement.

Berthiez Saint-Étienne (BSE) — The disposal of the second MFL production subsidiary took place in two steps because of the failure of the first attempt.

In March 1988, the Commercial Court of Saint-Étienne, responsible for the receivership of BSE, decided to accept a joint purchase bid submitted by the French group Smits-Lievre and the Belgian company Pegard. They offered FF 5 million for the acquisition of the assets related to BSE operations, to the exclusion of receivables. At the same time, they agreed to keep 160 of the workforce of 344. The disposal plan provided for the creation of a new company, Berthiez Productics (BP) to which the new owners would contribute FF 12 million. FF 30 million would additionally be provided by private investors in the form of medium and long-term credits. Finally, in May 1988 the French Government decided to contribute to the recovery plan of BP with FF 17 million granted in the form of a repayable advance, bearing the same repayment condition as that awarded to BMO, that is to say it would be repaid over 10 years following the sixth accounting period from that in which the assets were disposed of, if the cash flow to turnover ratio exceeded 15 % at that time.

In addition, and in parallel with the other disposal, the French Government decided to finance a social plan for the benefit of the workers made redundant, whose cost amounts to FF 16,2 million, with the same objectives as the plan for FL.

Nevertheless, despite the efforts made by the new owners, they failed to relaunch the company's activities. In October 1988 they were also compelled to place the company in the hands of judicial administrators under new receivership proceedings. Again the Commercial Court of Saint-Étienne re-examined the feasibility prospects of BP, and the possibility of a second disposal to another private investor interested in purchasing the company. On that basis, in November 1988, the Court accepted one of the two initial bids received from new potential purchasers. It should be noted that both bids were practically equivalent as regards acquisition price and social terms, and both opted for a disposal of assets without taking-over liabilities. According to the Court's records, the bid accepted was that ensuring the soundest financial position from the outset in the form of fixed financing. In these circumstances the preferred bid was that submitted by the Brisard group, which had also taken control of the assets of the other former MFL subsidiary.

Brisard offered an acquisition price of FF 7,4 million for the goodwill, stocks and receivables of BP, and committed itself to the creation of a new company keeping 140 of the workforce of 169. For its part, the municipality of Saint-Étienne acquired the land and buildings of the former BSE for FF 4 million, and signed a rental contract with the new company.

In this case, the French Government did not grant any advance to the company resulting from this second disposal, Berthiez SA. Notwithstanding, in view of the additional redundancies, the French Government decided to finance a new extraordinary social plan of FF 3,5 million in favour of these workers, with the same characteristics as those already implemented for FL and BSE.

Finally it should be mentioned that, within the framework of consultation of other interested parties, the governments of two other Member States submitted observations. These observations were communicated to the French authorities by letter of 7 September 1989, giving them notice to submit their comments within a one month period. No answer was received.

III

On its examination of the public measures in support of the companies of MFL, the Commission has verified to what extent those measures contain aid elements in the light of Articles 92 to 94 of the EEC Treaty.

At first sight, the French authorities have intervened in favour of MFL in two different ways: by financing the extraordinary social plans in favour of the workers made redundant, and by granting advances to the recovery plans of the companies resulting from the disposal of MFL assets.

With regard to the former, namely the financing by the State of the extraordinary social plans for redundancies, certain elements — supplementary severance payments, extraordinary early retirement expenses — which were assumed by the State and which represent normal expenditure for a company seeking to cut back staff, should therefore be attributed to the company being restructured. Notwithstanding, in the present case, it is not possible to maintain that the abovementioned State contribution constitutes aid relieving the new companies of expenses the old firms were obliged to bear in order to reduce the workforce. The purchasers of the assets had no legal obligation with regard to workers excluded from their take-over bids; for this reason, any aid granted to these redundant workers cannot be judged to favour the new companies in the sense of relieving them of expense they

should have borne in order to reduce the workforce, since such reduction was in any case the consequence of the disposal made under the receivership system. Therefore, it may be concluded that, in the present case, as stated by the French authorities, the aid for the social plans was *de facto* intended to lessen the adverse consequences of the redundancies, without having any positive effect for the new companies.

With regard to the granting of the advances, two aid elements appear to be involved. On the one hand, the very fact of lending money free of interest relieves the new companies from normal costs linked to the financing of their recovery plans. On the other hand, a second element appears in the conditions established by the State for the repayment of the advances, with a long repayment period for the principle amount, and a conditional formulation linked to future cash flow that could eventually lead to the non-reimbursement of the advances, turning them in the end into pure subsidies. None of these conditions fits with those normally applicable to credit operations under market conditions. On the contrary, they have been deliberately established by the French authorities to facilitate the companies' recovery.

In conclusion, the State aid involved in the granting of FF 42 million in advances at other than market conditions can be judged to have facilitated the recovery of the MFL operations under the new legal entities resulting from the disposal of its assets.

It should be noted that the aid involved in the advances is illegal under Community law from the time it came into operation, because the French authorities did not give prior notification of the aid to the Commission in accordance with the provisions of Article 93 (3).

In this respect it has to be recalled that — in view of the imperative nature of the rules of procedure provided for in Article 93 (3) which are also of importance as regards public policy, the direct effect of which the Court of Justice has recognized in its Judgment of 19 June 1973 in Case 77/72 — the illegality of the aid at issue here cannot be remedied *a posteriori*.

The unlawfulness of all the aid at issue derives from the failure to comply with the rules of procedure as laid down in Article 93 (3). In addition, where aid is incompatible with the common market, the Commission — availing itself of the possibility afforded to it by the Court of Justice in its Judgment of 12 July 1973 in Case 70/72, confirmed in its Judgment of 24 February 1987 in Case 310/85 — can require Member States to recover from recipients the amount of any aid improperly paid to them.

IV

This aid has in turn distorted competition among Community producers. Where financial assistance from the State strengthens the position of certain enterprises competing with them in the Community, it must be deemed to affect those other enterprises. It should be noted in that respect that the machine-tool industry within the Community has suffered since the mid-seventies from a large reduction in size, mainly as a consequence of two factors: on the one hand, the worldwide economic recession that pushed orders down drastically, and, on the other, the increasing competition from third countries. Both facts have enhanced to a large extent the intense competition among Community producers. In consequence, any aid granted to a particular producer, relieving it of costs that normally should be borne by it, reinforces its position *vis-à-vis* other non-aided competitors and, therefore, artificially alters their respective competitive situation. On this score, the subsidiaries of MFL have traditionally operated in foreign markets in competition with other Community producers. In 1986, MFL exported 62 % of its production, directing 17 % of these exports to other Member States. Moreover, machine tools are tradable goods representing substantial intra-Community trade. According to Nimex statistics intra-Community exports of machine tools amounted to ECU 2,268 million in 1988, of which France accounted for 6,5 %. For their part, imports into the Community from third countries amounted to ECU 4,032 million, for the same year.

V

Article 92 (1) of the EEC Treaty provides that aid meeting the criteria laid down therein is in principle incompatible with the common market. Notwithstanding, the Treaty provides for certain exceptions to that general rule.

The exceptions provided for in Article 92 (2) are not applicable in this case because of the nature of the assistance, which is not directed towards the attainment of the objectives listed therein.

For its part, Article 92 (3) lists aid which may be compatible with the common market. Compatibility with the Treaty must be determined in the context of the Community as a whole and not in that of a single Member State. In order to ensure the proper functioning of the common market, and having regard to the principle embodied in Article 3 (f), the exceptions provided for in Article 92 (3) must be construed narrowly when any aid scheme or individual aid award is scrutinized. In parti-

cular, they may be invoked only when the Commission is satisfied that without the aid, market forces alone would be insufficient to guide the aid recipients towards patterns of behaviour that would serve one of the objectives of the said exceptions.

With regard to the exceptions provided for in Article 92 (3) (a) and (c) for aid that promotes or facilitates the development of certain areas, none of the areas where the MFL plants are situated — Capdenac, Albert, Saint-Étienne — is a region characterized by an abnormally low standard of living or serious underemployment within the meaning of Article 92 (3) (a) as established by the Commission⁽¹⁾. Moreover, the advances were not granted under the corresponding regional aid schemes but on the basis of *ad hoc* decisions of the government. The aid involved does not have the requisite features of aid to facilitate the development of certain economic areas within the meaning of Article 92 (3) (c), inasmuch as the assistance granted was not conditional on investment or job creation as explained in the 1979 Commission communication on the principles of coordination of regional aid schemes⁽²⁾.

As regards the exemptions provided for in Article 92 (3) (b), the aid in question was not intended to give effect to a project of common interest, or to remedy a serious disturbance in the economy of the Member State concerned nor did it have the characteristics of such projects. Moreover, the French authorities have not invoked this derogation.

Article 92 (3) (c) also lays down an exemption for aid to facilitate the development of certain activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. In this regard, as mentioned above, the necessity of the aid should also be clearly demonstrated, that is to say, that without the aid the objective stated in the said exemption would not be reached. In the case at issue, the aid involved in the granting of advances at other than market conditions does not appear essential even as regards the basic aims pursued by the French authorities: to ensure both the continued operation of the undertakings disposed of, and the preservation of existing jobs. According to the financial forecasts provided by the French authorities, over the first three years of operation the new companies will record profits before tax amounting to about FF 42 million and FF 2 million, for BMO and BSA, respectively.

⁽¹⁾ OJ No C 212, 12. 8. 1988, p. 2.

⁽²⁾ OJ No C 31, 3. 2. 1979, p. 9.

In the last year of this three-year period, the profits before tax will account for 4,3 and 6,8 % of their respective global income. In the light of these financial forecasts, the companies concerned appear capable of supporting by themselves the cost of advances granted at normal market credit conditions. In other words, even when regarded from the point of view of the objectives pursued by the French authorities, the aid in question constitutes a completely artificial benefit for which there is no justification. Furthermore, the aid cannot be justified from the Community point of view given the substantial distortion of competition caused by this artificial benefit in the context of the intense competition between producers in the machine-tool sector.

It should be remarked that, as a result of the significant aid received by MFL for modernization of industrial equipment and restructuring under the Machine-Tool Programme, no major future investments will be required by the new companies resulting from the disposals, in order to consolidate their competitive position, but rather rationalization and improvement in their management policies, as stated in the recovery plan submitted to the Commission.

It should also be recalled in this regard that the same companies have benefited from a variety of other circumstantial advantages. On the one hand the substantial capital gains arising from the take-over of assets for a largely symbolic price under the winding up proceedings of MFL. The capital gains resulting from the formation of Brisard Machine-Outil have been estimated by the company itself at FF 90 million; no estimates for Berthiez SA have been provided. On the other hand, these new companies have commenced operations with a better sized labour force. Such reduction was produced without expense to the companies, since the decisions of the Commercial Courts regarding the disposal of the assets under receivership proceedings broke the juridical links between these continuing companies and the workers made redundant as a result.

In view of all the above considerations, the Commission has come to the conclusion that the aid granted by the French Government to the continuing businesses of MFL carried on by the new companies arising from the disposal of its assets, does not qualify for the exemption provided for in Article 92 (3) (c) of the EEC Treaty.

Therefore, in summary, the aid in question has proved to be illegal under Community law because the French Government did not fulfil its obligations under Article 93 (3). As pointed out above, the Commission can in such cases require Member States to recover aid granted illegally from recipients. After examination it appears that the aid is incompatible with the common market in view of the fact that, having altered intra-Community trade within the meaning of Article 92 (1), it does not fall within any of the exemptions provided for in Article 92 (2) and (3). In consequence, the aid in question must be withdrawn,

HAS ADOPTED THIS DECISION :

Article 1

The public assistance to the companies arising from the disposal of the assets of MFL, namely Brisard Machine-Outil and Berthiez Productics, in the form of advances amounting to FF 25 million and FF 17 million respectively, on terms other than normal market terms, was granted illegally in breach of Article 93 (3), and is incompatible with the common market pursuant to Article 92 of the EEC Treaty.

Article 2

Accordingly, the aid elements of the public assistance referred to in Article 1 must be abolished with effect from the date on which it was granted.

Consequently, as regards the FF 25 million advance to Brisard Machine-Outil, the French Government is hereby requested to either convert it into a normal credit on market terms as regards both interest and repayment with effect from the date on which it was granted, or withdraw the advance completely, or take any other appropriate measure to ensure that the aid elements are wholly abolished.

On the contrary, the aid element in the FF 17 million advance to Berthiez Productics does not need to be abolished because the initial beneficiary went bankrupt, and the final beneficiary Berthiez SA did not take over the liabilities of Berthiez Productics.

Article 3

The French authorities shall inform the Commission, within two months from the notification of this Decision, of the measures taken to comply therewith. Should this Decision be implemented later than the said period, the national provisions regarding interest on arrears payable to the State will be applicable from the date of the Decision's notification.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 20 December 1989.

For the Commission

Leon BRITTAN

Vice-President