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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 2137/92**

of 23 July 1992

concerning the Community scale for the classification of carcasses of ovine animals and determining the Community standard quality of fresh or chilled sheep carcasses and extending Regulation (EEC) No 338/91

THE COUNCIL 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 the sheepmeat and goatmeat sector<sup>(1)</sup>, and in particular Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas a carcase classification standard is necessary in order to improve market transparency in this sector;

Whereas the classification must be made on the basis of conformation and the degree of fat cover; whereas the combination of these two criteria enables carcasses of ovine animals to be divided into classes; whereas classified carcasses must be identified;

Whereas, however, other criteria, in particular weight, meat colour and fat cover, may be used for the classification of carcasses of lambs less than 13 kg weight; whereas Member States wishing to use these criteria inform the Commission and other Member States;

Whereas, in order to ensure the uniform application of this Regulation in the Community, provision should be made for on-the-spot checks by a Community inspection group;

Whereas Council Regulation (EEC) No 338/91 of 5 February 1991 determining the Community standard quality of fresh or chilled sheep carcasses<sup>(2)</sup> applied for the 1991 and 1992 marketing years pending the setting up of Community carcase classification standards;

Whereas it is not appropriate to set up the standards in question at present; whereas it is preferable to first gain some experience, acquired over a sufficiently long period with regard to the application of the classification scale as provided for under this Regulation; whereas it is therefore necessary to extend the application of Regulation (EEC) No 338/91 by a marketing year, with the exception of the measure provided for in Article 7 in Regulation (EEC) No 3013/89, for which the application should be extended until 30 June 1994;

Whereas it appears appropriate to set as an objective the compulsory application of the Community scale after a sufficiently representative transitional period for all the slaughterhouses approved for intra-Community trade; whereas, however, for reasons of sound administration, this compulsory application need not concern small slaughterhouses situated in regions where the impact on the market price produced by the volume slaughtered in such slaughterhouses is negligible,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation governs the provisions concerning the Community scale for the classification of sheep carcasses.

*Article 2*

For the purpose of carcase classification, the following presentations shall apply:

- (a) *carcase*: the whole body of a slaughter animal as presented after bleeding, evisceration and skinning, presented without the head (severed at the atlanto-occipital joint), the feet (severed at the carpo-metacarpal or tarso-metatarsal joints), the tail (severed between the sixth and seventh caudal vertebrae), the udder, the genitalia, the liver and the pluck. Kidneys and kidney fat are included in the carcase;

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 1741/91 (OJ No L 163, 13. 6. 1991, p.41).

<sup>(2)</sup> OJ No L 41, 14. 2. 1991, p.1.

- (b) *half-carcase*: the product obtained by separating the carcass symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis.

However, Member States shall be authorized to permit different presentations when the reference presentation is not used. In such instances, the adjustments necessary to progress from those presentations to the reference presentation shall be determined in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

#### Article 3

1. Carcasses of ovine animals shall be divided into the following categories:

- carcasses of sheep under twelve months old,
- carcass of other sheep.

2. The carcasses of ovine animals shall be classified by assessment respectively of:

- (a) conformation,
- (b) fat cover,

as identified in Annexes I and II respectively.

The conformation class designated in Annex I by the letter S may be used by the Member States optionally to encompass the higher ('double-muscled carcass type') conformation class. Member States intending to avail themselves of this option shall inform the Commission and the other Member States thereof.

However, for lambs of less than 13 kg carcass weight, Member States may be authorized to use the following criteria for classification:

- (a) carcass weight,
- (b) colour of meat,
- (c) fat cover,

as defined in Annex III. Member States intending to make use of this authorization shall notify the Commission and the other Member States thereof by 5 April 1993.

3. Member States shall be authorized to subdivide each of the classes provided for in Annexes I and II into a maximum of three sub-classes.

#### Article 4

1. Classification of carcasses or half-carcasses shall take place as soon as possible after slaughter and be carried out in the slaughterhouse itself.

2. The classified carcasses or half-carcasses shall be identified.

3. The detailed rules for applying this Article shall be adopted by 31 December 1992 in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

#### Article 5

On-the-spot inspection shall be carried out, in collaboration with the competent national authorities, by a Community inspection group composed of experts from the Commission and experts appointed by the Member States. This group shall report back to the Commission and the other Member States on the checks carried out.

If appropriate, the measures necessary for the purpose of classification shall be taken in accordance with the procedures laid down in Article 30 of Regulation (EEC) No 3013/89.

The inspections shall be carried out on behalf of the Community, which shall bear the resulting costs.

The detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

#### Article 6

Additional provisions specifying the definition of the classes of conformation, fat cover, carcass weight and colour of meat shall be adopted not later than 31 December 1992 in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

#### Article 7

1. From 5 April 1993 and until a new standard quality definition has been introduced, Member States shall on a weekly basis notify the Commission of the market prices recorded for the different classes in the classification scale.

2. The detailed rules for implementing this Article, and in particular the frequency and extent of the recordings, shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

3. The information notified to the Commission by the Member States shall be used for preparing the report and the proposals provided for in Article 8 (2).

#### Article 8

1. The text of the second paragraph of Article 2 of Regulation (EEC) No 338/91 shall be replaced by the following:

'It shall apply throughout the 1991, 1992 and 1993 marketing years. However, it shall continue to apply until 30 June 1994 for the purpose of implementing the measure laid down in Article 7 of Regulation (EEC) No 3013/89.'

2. The Commission shall, not later than 31 March 1994, submit a report to the Council, accompanied by a proposal for a definition of standard quality on which the Council shall act by qualified majority and which will enter into force on 1 July 1994 with retroactive effect for the purposes of calculating the ewe premium for the 1994 marketing year.

*Article 9*

The Commission shall submit a report to the Council on the implementation of this Regulation by 31 December 1995 at the latest.

Subject to the conclusions of that report, the Council shall set itself the goal of making the use of the Community grid compulsory for all Community slaughterhouses approved for intra-Community trade, if possible during the 1996 marketing year and in any event before

1 January 1997, without prejudice to the possibility of excluding small slaughterhouses situated in regions where the impact on the market price produced by the volume slaughtered in such slaughterhouses is negligible.

*Article 10*

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

It shall apply from the 1993 marketing year.

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

Done at Brussels, 23 July 1992.

*For the Council*

*The President*

John COPE

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*ANNEX I***CONFORMATION**

**Development of carcass profiles, in particular the essential parts (hindquarter, back, shoulder)**

Conformation class	Description
S Superior	All profiles extremely convex ; exceptional muscle development (double-muscled carcass type)
E excellent	All profiles convex to extremely convex ; exceptional muscle development
U very good	Profiles on the whole convex ; very good muscle development
R good	Profiles on the whole straight ; good muscle development
O fair	Profiles straight to concave ; average muscle development
P poor	Profiles concave to very concave : poor muscle development

*ANNEX II***DEGREE OF FAT COVER**

**Amount of fat on the outside of the carcass and in the thoracic cavity**

Class of fat cover	Description
1 low	None up to low fat cover
2 slight	Slight fat cover, flesh visible almost everywhere
3 average	Flesh, with exception of the hindquarter and shoulder, almost everywhere covered with fat ; slight deposits of fat in the thoracic cavity
4 high	Flesh covered with fat, but on the hindquarter and should still partly visible ; some distinctive fat deposits in the thoracic cavity
5 very high	Carcass thickly covered with fat ; heavy fat deposits in the thoracic cavity

## ANNEX III

## Carcase classification grid under Article 3 (2), third subparagraph

Category	A		B		C	
Weight	≤ 7 kg		7,1 — 10 kg		10,1 — 13 kg	
Quality	1st	2nd	1st	2nd	1st	2nd
Meat colour	clear pink	other colour or other fat level	clear pink	other colour or other fat level	clear pink	other colour or other fat level
Fat class (*)	(1) (2)		(1) (2)		(2) (3)	

(\*) As defined in Annex II.

**COUNCIL REGULATION (EEC) No 2138/92**

of 23 July 1992

**amending Regulation (EEC) No 1411/71 laying down additional rules on the common market organization in milk and milk products for drinking milk**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas under Article 3 (5) of Regulation (EEC) No 1411/71 <sup>(3)</sup>, Member States have, as regards whole milk produced and marketed in their territory, had to opt for either of the formulae set out in the second indent of paragraph 1 (b) of that Article; whereas under paragraphs 6 and 7 of the said Article trade in whole milk between Member States that have not opted for the same formulae is subject to certain restrictions;

Whereas, in line with the trend of consumption and of intra-Community trade in the various categories of drinking milk and also with the elimination of restrictions on health grounds to free trade in these products, all restrictions on intra-Community trade under the abovementioned Regulation should be abolished; whereas this should be done with due respect for milk production and distribution practices in the Member States; whereas production and marketing of both types of whole milk should therefore be permitted in each Member State but under commercial names which are sufficiently precise to inform the purchaser of the true nature of the product; whereas in order to prevent distortion of the market the minimum fat content of non-standardized whole milk must be adjusted;

Whereas Article 6 (3) provides for the possibility of derogation from the minimum fat content of 3,50 % laid down for standardized whole milk; whereas within the terms of this provision whole milk covered by a derogation of this kind must be marketed in the area of manufacture; whereas it is appropriate to amend the said paragraph in order to remove the barrier to free trade involved and, in addition, in order to take account of the difficulties which may arise from the requirement for non-standardized whole milk to have a minimum fat content of 3,50 %; whereas it is advisable to check regularly the

justification for and the consequences of the derogations applied for;

Whereas under Article 6 (2) of the same Regulation Member States can provide for an additional whole milk category with a fat content fixed by them of not less than 3,80 %; whereas given the proposed changes in the arrangements for whole milk and to make the distinct nature of this category clear this minimum should be raised;

Whereas under Article 25 (1) of Regulation (EEC) No 804/68 <sup>(4)</sup> a Member State can be authorized to grant a producer organization the exclusive right to buy from producers in the area concerned the milk that they produce and market without processing; whereas it should be specified in clarification that standardized whole milk is to be treated as unprocessed milk for the purpose of that provision,

HAS ADOPTED THIS REGULATION :

*Article 1*

Regulation (EEC) No 1411/71 is hereby amended as follows :

1. Article 3 shall be amended as follows :

(a) in the second indent of paragraph 1 (b), '3,00 %' shall be replaced by '3,50 %';

(b) the following subparagraph shall be added to paragraph 2 :

'In the case of whole milk, the name shall be followed by a further description to inform the purchaser whether the product has undergone the process of standardization or not in all cases where the omission of such information could create confusion in the mind of the purchaser.'

(c) paragraphs 5 to 8 are deleted.

2. Article 6 shall be amended as follows :

(a) in paragraph 2 '3,80 %' shall be replaced by '4,00 %';

<sup>(1)</sup> OJ No C 320, 11. 12. 1991, p. 9.

<sup>(2)</sup> OJ No C 150, 15. 6. 1992.

<sup>(3)</sup> OJ No L 148, 3. 7. 1971, p. 4. Regulation as last amended by Regulation (EEC) No 222/88 (OJ No L 28, 1. 2. 1988, p. 1).

<sup>(4)</sup> OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 816/92 (OJ No L 86, 1. 4. 1992, p. 83).

(b) paragraph 3 shall be replaced by the following :

'3. For areas in which the natural fat content of the milk does not reach 3,50 %, a derogation from the second indent of Article 3 (1) (b) may be granted in order to allow milk produced in those areas to be sold as whole milk. This milk may not, however, have been subject to any skimming and it must have a fat content of at least 3,20 %. Derogations of this kind may be issued for a period of up to one year at a time, at the request of the Member States, in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, taking account, in particular, of the situation as regards the milk market in the areas in question, of the interests of consumers and of the possible effects on trade in whole milk between the Member States.';

(c) the following paragraph shall be added :

'6. For the purpose of Article 25 (1) of Regulation (EEC) No 804/68 standardized whole milk shall be regarded as unprocessed milk.'

*Article 2*

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

It shall apply from 1 January 1993.

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

Done at Brussels, 23 July 1992.

*For the Council*

*The President*

John COPE

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**COUNCIL REGULATION (EEC) No 2139/92**

of 23 July 1992

**on urgent action for the supply of agricultural products to the victims of the conflict in what was formerly Yugoslavia**

THE COUNCIL 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 <sup>(1)</sup>, and in particular Article 7 (5) and (8) thereof,

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 <sup>(2)</sup>, and in particular Articles 6 (6) and 7 (4) thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(3)</sup>, and in particular Articles 6 (5) and 7 (2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(4)</sup>, and in particular Article 35 thereof,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(5)</sup>, and in particular Article 8 (3) and (6) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(6)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(7)</sup>, and in particular Article 12 (2a) and (3) thereof,

Having regard to the proposal from the Commission,

Whereas the market for certain agricultural products may feature production situations which make it possible to dispose of such products on special terms ;

Whereas in application of the European Council's conclusions of 26 and 27 June 1992 regarding the supply of substantial additional aid to victims of the conflict in what was formerly Yugoslavia, provision should be made for making agricultural products available in order to improve conditions of supply to these people ; whereas, in the case of some of these products, the necessary measures could be adopted by the Commission, pursuant to the rules in force ;

Whereas it is for the Commission to lay down the detailed rules enabling the measure provided for by this Regulation to be executed,

HAS ADOPTED THIS REGULATION :

*Article 1*

An emergency measure is hereby adopted, under the conditions laid down in this Regulation, for free supply to the victims of the conflict in what was formerly Yugoslavia of certain foodstuffs to be determined, available as a result of intervention measures.

The expense of the measure shall be limited to ECU 35 million, entered in the general budget of the European Communities.

*Article 2*

1. The products may be supplied unprocessed or in processed form.
2. The measure may also relate to foodstuffs obtained through a commercial exchange of products from intervention storage against foodstuffs belonging to the same group of products.
3. The supply costs, including transport and, where applicable, processing, shall be determined by invitation to tender or, on account of the urgency of the situation, by direct agreement procedure.
4. The costs shall be reimbursed to the operators concerned in respect of the supply of products for which proof is provided that the products have reached the delivery stage laid down.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EEC) No 674/92 (OJ No L 73, 19. 3. 1992, p. 7).

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EEC) No 816/92 (OJ No L 86, 1. 4. 1992, p. 83).

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EEC) No 1628/91 (OJ No L 150, 15. 6. 1991, p. 16).

<sup>(4)</sup> OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1196/92 (OJ No L 122, 7. 5. 1992, p. 3).

<sup>(5)</sup> OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Regulation (EEC) No 1943/91 (OJ No L 175, 4. 7. 1991, p. 1).

<sup>(6)</sup> OJ No L 166, 25. 6. 1976, p. 1. Regulation as last amended by Regulation (EEC) No 674/92 (OJ No L 73, 19. 3. 1992, p. 7).

<sup>(7)</sup> OJ No L 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EEC) No 2046/92 (OJ No L 215, 30. 7. 1992, p. 1).

5. Distribution costs shall be covered according to the usual emergency aid procedures.

6. Products consigned pursuant to this Regulation shall not qualify for export refunds and shall not be subject to the arrangements concerning monetary compensatory amounts.

*Article 3*

1. The Commission shall be responsible for executing the measure.

2. The detailed rules for the application of this Regulation shall be adopted in accordance with the procedure

laid down in Article 26 of Regulation (EEC) No 2727/75 or, as the case may be, in the corresponding Articles in Regulations (EEC) No 804/68, (EEC) No 805/68, (EEC) No 1035/72, (EEC) No 426/86, (EEC) No 1418/76 and (EEC) No 136/66/EEC.

*Article 4*

The Commission shall be responsible for supervising the delivery operations.

*Article 5*

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, 23 July 1992.

*For the Council*

*The President*

John COPE

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## COMMISSION REGULATION (EEC) No 2140/92

of 29 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1820/92<sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 28 July 1992;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1820/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 185, 4. 7. 1992, p. 1.

## ANNEX

## to the Commission Regulation of 29 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	149,13 (*) (*)
0712 90 19	149,13 (*) (*)
1001 10 10	159,58 (*) (*) (10)
1001 10 90	159,58 (*) (*) (10)
1001 90 91	139,45
1001 90 99	139,45 (11)
1002 00 00	152,26 (*)
1003 00 10	124,32
1003 00 90	124,32 (11)
1004 00 10	107,99
1004 00 90	107,99
1005 10 90	149,13 (*) (*)
1005 90 00	149,13 (*) (*)
1007 00 90	152,15 (*)
1008 10 00	51,55 (11)
1008 20 00	101,90 (*)
1008 30 00	49,80 (*)
1008 90 10	(7)
1008 90 90	49,80
1101 00 00	208,83 (*) (*) (11)
1102 10 00	226,53 (*)
1103 11 10	260,35 (*) (*) (10)
1103 11 90	225,54 (*)

- (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 2141/92

of 29 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 Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, and in particular Article 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1821/92 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 28 July 1992;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 185, 4. 7. 1992, p. 4.

## ANNEX

to the Commission Regulation of 29 July 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

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

## B. Malt

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period	4th period
	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 2142/92****of 29 July 1992****fixing the maximum export refunds on olive oil for the 17th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91**

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 2046/92 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil <sup>(3)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3149/91 <sup>(4)</sup> issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 1432/92 <sup>(5)</sup>, as amended by Regulation (EEC) No 2015/92 <sup>(6)</sup>, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

Whereas Article 6 of Regulation (EEC) No 3149/91 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Commu-

nity and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refunds for olive oil for the 17th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 July 1992.

*Article 2*

This Regulation shall enter into force on 1 August 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 299, 30. 10. 1991, p. 24.

<sup>(5)</sup> OJ No L 151, 3. 6. 1992, p. 4.

<sup>(6)</sup> OJ No L 205, 22. 7. 1992, p. 2.

## ANNEX

to the Commission Regulation of 29 July 1992 fixing the maximum export refunds on olive oil for the 17th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3149/91

*(ECU/100 kg)*

Product code	Amount of refund (1)
1509 10 90 100	42,50
1509 10 90 900	67,00
1509 90 00 100	52,50
1509 90 00 900	85,50
1510 00 90 100	13,00
1510 00 90 900	45,00

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

*NB*: The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

**COMMISSION REGULATION (EEC) No 2143/92**  
**of 29 July 1992**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 2046/92<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil<sup>(3)</sup>, and in particular the first sentence of Article 3 (1) thereof,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72<sup>(4)</sup>, as last amended by Regulation (EEC) No 2962/77<sup>(5)</sup>;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas, if the refund 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 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(7)</sup>,
- 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 Council Regulation (EEC) No 1432/92<sup>(8)</sup>, as amended by Regulation (EEC) No 2015/92<sup>(9)</sup>, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 1.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 78, 31. 3. 1972, p. 1.

<sup>(5)</sup> OJ No L 348, 30. 12. 1977, p. 53.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(8)</sup> OJ No L 151, 3. 6. 1992, p. 4.

<sup>(9)</sup> OJ No L 205, 22. 7. 1992, p. 2.

HAS ADOPTED THIS REGULATION:

*Article 2**Article 1*

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

This Regulation shall enter into force on 1 August 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**ANNEX**

to the Commission Regulation of 29 July 1992 fixing the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund <sup>(1)</sup> <sup>(2)</sup>
1509 10 90 100	40,50
1509 10 90 900	64,00
1509 90 00 100	50,50
1509 90 00 900	82,50
1510 00 90 100	11,50
1510 00 90 900	42,00

<sup>(1)</sup> For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 as well as for exports to third countries.

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

**NB:** The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

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**COMMISSION REGULATION (EEC) No 2144/92**

of 29 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 <sup>(4)</sup> thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2028/92 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2028/92 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 <sup>(4)</sup>, as amended by Regulation (EEC) No 2015/92 <sup>(5)</sup>, 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 2028/92 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 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 6, 11. 1. 1992, p. 19.

<sup>(3)</sup> OJ No L 207, 23. 7. 1992, p. 23.

<sup>(4)</sup> OJ No L 151, 3. 6. 1992, p. 4.

<sup>(5)</sup> OJ No L 205, 22. 7. 1992, p. 2.

## ANNEX

to the Commission Regulation of 29 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 <sup>(1)</sup>	
1701 11 90 910	34,38 <sup>(1)</sup>	
1701 11 90 950	<sup>(2)</sup>	
1701 12 90 100	36,14 <sup>(1)</sup>	
1701 12 90 910	34,38 <sup>(1)</sup>	
1701 12 90 950	<sup>(2)</sup>	
1701 91 00 000		0,3929
1701 99 10 100	39,29	
1701 99 10 910	40,06	
1701 99 10 950	38,56	
1701 99 90 100		0,3929

<sup>(1)</sup> 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.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85, as amended by Regulation (EEC) No 3251/85.

## COMMISSION REGULATION (EEC) No 2145/92

of 29 July 1992

**redefining the destination zones for export refunds, export levies and certain export licences for cereals and rice**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 674/92 <sup>(4)</sup>, and in particular Article 17 (6) thereof,

Whereas Commission Regulation (EEC) No 1124/77 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3049/89 <sup>(6)</sup> determined the destination zones to be used for the purpose of setting export refunds and levies on cereals and rice;

Whereas political changes in the Eastern bloc, i.e. the break-up of the Soviet Union and Yugoslavia into independent countries, require an updating of the destination zones as set out in the Annex to Regulation (EEC) No 1124/77; whereas in that Annex the Soviet Union and Yugoslavia should be replaced by the countries formed out of them; whereas the opportunity should also be taken to regroup the countries of zones I, II, III and VIII;

Whereas for clarity Regulation (EEC) No 1124/77 should be repealed and its provisions taken up in the present Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The destination zones to be used for the purpose of setting differentiated export refunds and levies on the products listed under (a), (b) and (c) in Article 1 of Regulation (EEC) No 2727/75 and under (a) and (b) in Article 1 of Regulation (EEC) No 1418/76 are delimited in the Annex to this Regulation.

Regulation (EEC) No 1124/77 is hereby repealed.

*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 August 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(5)</sup> OJ No L 134, 28. 5. 1977, p. 53.

<sup>(6)</sup> OJ No L 292, 11. 10. 1989, p. 10.

## ANNEX

## Zone I

- (a) Morocco
- Algeria
- Tunisia

## (b) Malta

- Egypt
- Israel
- Lebanon
- Syria
- Cyprus
- Turkey
- Ex-Spanish Sahara

## (c) Libya

## Zone II

## (a) Poland

- Czech and Slovak Federal Republic
- Hungary

## (b) Estonia

- Latvia
- Lithuania

## (c) Norway

- Sweden
- Finland
- Færoe Islands
- Iceland

## (d) Russia (North)

- Belarus

## Zone III

## (a) Bosnia-Herzegovina

- Croatia
- Slovenia
- Territory of the former Yugoslavia excluding Slovenia, Croatia and Bosnia-Herzegovina

## (b) Albania

- Romania
- Bulgaria

## (c) Russia (South)

- Armenia
- Georgia
- Azerbaijan
- Moldavia
- Ukraine

Kazakhstan

Kyrgyzstan

Uzbekistan

Tadjikistan

Turkmenistan

## Zone IV

## (a) Mexico

Countries and territories of Central America (except ACP countries)

## (b) Greater and Lesser Antilles and Bermuda (except ACP countries, Puerto Rico and OCT)

## (c) Countries and territories of South America (Atlantic Coast, other than OCT)

## (d) Countries and territories of South America (Pacific Coast)

## Zone V

Republic of South Africa

## Zone VI

Countries and territories of the Arabian Peninsula

Jordan

Iraq

Iran

## Zone VII

## (a) Afghanistan

Pakistan

India (including Sikkim)

Nepal

Sri Lanka

Bangladesh

Myanmar

Bhutan

Islands of the Indian Ocean (except ACP countries and OCT)

## (b) Thailand

Kampuchea

Laos

Japan

Indonesia

Malaysia

Philippines

## (c) Other countries and territories of Asia and Oceania (except OCT)

Australia

New Zealand

**Zone VIII****(a) (ACP countries)**

Angola  
Antigua and Barbuda  
Bahamas  
Barbados  
Belize  
Benin  
Botswana  
Burkina Faso  
Burundi  
Cameroon  
Cape Verde  
Central African Republic  
Comoros (not including Mayotte)  
Congo  
Ivory Coast  
Djibouti  
Dominica  
Ethiopia  
Fiji  
Gabon  
Gambia  
Ghana  
Grenada  
Guinea  
Guinea-Bissau  
Equatorial Guinea  
Guyana  
Haiti  
Jamaica  
Kenya  
Kiribati  
Lesotho  
Liberia  
Madagascar  
Malawi  
Mali  
Mauritius  
Mauritania  
Mozambique  
Namibia  
Niger  
Nigeria  
Uganda  
Papua New Guinea

Dominican Republic  
Rwanda  
St. Kittis-Nevis  
St. Vincent and the Grenadines  
St. Lucia  
Salomon Islands  
Western Samoa  
Sao Tomé and Príncipe  
Senegal  
Seychelles  
Sierra Leone  
Somalia  
Sudan  
Suriname  
Swaziland  
Tanzania  
Chad  
Togo  
Tonga  
Trinidad and Tobago  
Tuvalu  
Vanuatu  
Zaire  
Zambia  
Zimbabwe

**(b) (OCT)**

French Polynesia  
New Caledonia and dependencies  
Wallis and Futuna Islands  
Southern and Antarctic Territories  
Saint Pierre and Miquelon  
Mayotte  
Netherlands Antilles  
Aruba  
Greenland  
Anguilla  
Cayman Islands  
Falkland Islands  
South Sandwich Islands and dependencies  
Turks and Caicos Islands  
British Virgin Islands  
Montserrat  
Pitcairn  
St. Helena and dependencies  
British Antarctic Territory  
British Indian Ocean Territory

**COMMISSION REGULATION (EEC) No 2146/92**  
**of 29 July 1992**  
**amending Regulation (EEC) No 2742/90 laying down detailed rules for the**  
**application of Council Regulation (EEC) No 2204/90**

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

Having regard to Council Regulation (EEC) No 2204/90 of 24 July 1990 laying down additional general rules on the common organization of the market in milk and milk products as regards cheese<sup>(1)</sup>, and in particular the second paragraph of Article 1 and the second subparagraph of Article 3 (3) thereof,

Whereas Article 4 (1) of Commission Regulation (EEC) No 2742/90<sup>(2)</sup>, as amended by Regulation (EEC) No 837/91<sup>(3)</sup>, fixes the sum due for quantities of casein and/or caseinates used without authorization having regard to the prices for casein and caseinates recorded on the markets in the fourth quarter of 1990; whereas the upward trend in those prices during the first half of 1992 requires that sum to be reduced;

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 4 (1) of Regulation (EEC) No 2742/90 is hereby replaced by the following:

'1. The sum due in accordance with Article 3 (3) of Regulation (EEC) No 2204/90 shall be ECU 240 per 100 kilograms of casein and/or caseinates, having regard to the price for casein and caseinates recorded on the markets in the first half of 1992.'

*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, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 201, 31. 7. 1990, p. 7.

<sup>(2)</sup> OJ No L 264, 27. 9. 1990, p. 20.

<sup>(3)</sup> OJ No L 85, 5. 4. 1991, p. 15.

**COMMISSION REGULATION (EEC) No 2147/92**  
**of 29 July 1992**  
**cancelling monetary compensatory amounts fixed in advance in respect of**  
**operations carried out after 31 December 1992**

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>, and in particular Article 12 thereof,

Whereas Article 5 of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts <sup>(3)</sup>, as last amended by Regulation (EEC) No 3247/89 <sup>(4)</sup>, stipulates that the amount fixed in advance is to apply to operations carried out during the term of validity of the certificate; whereas the Commission has submitted a regulation to the Council on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy providing for the discontinuation of the system of monetary compensatory amounts from 1 January 1993; whereas, in order to curtail unnecessary expenditure, monetary compensatory amounts fixed in advance in respect of imports and

exports to be carried out from 1 January 1993 should be cancelled;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

Monetary compensatory amounts fixed in advance from the date of entry into force of this Regulation and applying to imports and exports to be carried out after 31 December 1992 are hereby cancelled.

*Article 2*

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

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 164, 24. 6. 1985, p. 6.  
<sup>(2)</sup> OJ No L 201, 31. 7. 1990, p. 9.  
<sup>(3)</sup> OJ No L 310, 21. 11. 1985, p. 22.  
<sup>(4)</sup> OJ No L 314, 28. 10. 1989, p. 51.

## COMMISSION REGULATION (EEC) No 2148/92

of 29 July 1992

derogating from Regulation (EEC) No 3810/91 as regards the period of validity of STM licences

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, and in particular Article 251 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade (STM)<sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88<sup>(2)</sup>, and in particular Article 7 (1) thereof,

Whereas Article 7 of Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism to trade in the beef and veal sector between the Community as constituted at 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90<sup>(3)</sup>, provides that STM licences are to be valid for 18 days from the actual date of issue;

Whereas, as a result of exceptional circumstances which have disturbed trade between Portugal, Spain and the other Member States, the period of validity of licences issued on 3 July 1992 should be extended without delay by two weeks;

Whereas, in order to avoid any legal vacuum, this Regulation should enter into force on 20 July 1992;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from the first subparagraph of Article 7 of Regulation (EEC) No 3810/91, the period of validity of the STM licences issued on 3 July 1992 is hereby extended by two weeks.

*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 20 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 357, 28. 12. 1991, p. 53.

## COMMISSION REGULATION (EEC) No 2149/92

of 29 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EEC) No 1258/91<sup>(4)</sup>, 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<sup>(5)</sup>, 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, 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 14 August 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, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.

<sup>(3)</sup> OJ No L 333, 30. 11. 1990, p. 39.

<sup>(4)</sup> OJ No L 120, 15. 5. 1991, p. 15.

<sup>(5)</sup> OJ No L 333, 30. 11. 1990, p. 46.

**COMMISSION REGULATION (EEC) No 2150/92**

of 29 July 1992

altering the corrective amount applicable to the refund on cereals

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 674/92 <sup>(2)</sup>, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 1642/92 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2135/92 <sup>(5)</sup>;

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 1642/92 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 171, 26. 6. 1992, p. 51.

<sup>(5)</sup> OJ No L 213, 29. 7. 1992, p. 31.

## ANNEX

to the Commission Regulation of 29 July 1992 altering the corrective amount applicable to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	0	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	- 10,00	- 10,00	- 10,00	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	0	0	0	0	0
1103 11 10 400	01	0	0	0	0	0	0	0
1103 11 10 900	01	0	0	0	0	0	0	0
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

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

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

## COMMISSION REGULATION (EEC) No 2151/92

of 29 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 <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 61/92 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by  
Commission Regulation (EEC) No 1887/92 <sup>(3)</sup>, as  
amended by Regulation (EEC) No 2043/92 <sup>(4)</sup>;

Whereas it follows from applying the rules and other  
provisions contained in Regulation (EEC) No 1887/92 to  
the information at present available to the Commission  
that the levy at present in force should be altered  
pursuant to 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 rela-  
tion 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 Regu-  
lation (EEC) No 1676/85 <sup>(5)</sup>, as last amended by Regu-  
lation (EEC) No 2205/90 <sup>(6)</sup>,

— 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 coeffi-  
cient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 28  
July 1992,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The import levy referred to in Article 16 (1) of  
Regulation (EEC) No 1785/81 shall be, in respect of  
molasses falling within CN codes 1703 10 00 and  
1703 90 00, ECU 1,02 per 100 kilograms.

2. However, no import levy applies to OCT originating  
products according to Article 101 (1) of Council Decision  
91/482/EEC <sup>(7)</sup>.

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 6, 11. 1. 1992, p. 19.

<sup>(3)</sup> OJ No L 189, 9. 7. 1992, p. 34.

<sup>(4)</sup> OJ No L 207, 23. 7. 1992, p. 46.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(7)</sup> OJ No L 263, 19. 9. 1991, p. 1.

## COMMISSION REGULATION (EEC) No 2152/92

of 29 July 1992

fixing the maximum export refund for white sugar for the 13th 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, and in particular the first subparagraph of Article 19 <sup>(4)</sup> (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 <sup>(3)</sup>, as amended by Regulation (EEC) No 1684/92 <sup>(4)</sup>, 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 13th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92 <sup>(5)</sup>, as amended by Regulation (EEC) No 2015/92 <sup>(6)</sup>, prohibits

trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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 13th partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 42,631 per 100 kilograms.

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

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 6, 11. 1. 1992, p. 19.

<sup>(3)</sup> OJ No L 98, 11. 4. 1992, p. 11.

<sup>(4)</sup> OJ No L 176, 30. 6. 1992, p. 31.

<sup>(5)</sup> OJ No L 151, 3. 6. 1992, p. 4.

<sup>(6)</sup> OJ No L 205, 22. 7. 1992, p. 2.

## COMMISSION REGULATION (EEC) No 2153/92

of 29 July 1992

introducing a corrective amount on the import of table grapes into the Community of Ten from Spain

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain<sup>(1)</sup>, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 1827/92<sup>(2)</sup> fixed, for the 1992 marketing year, the Community offer price for table grapes applicable with regard to Spain;

Whereas Commission Regulation (EEC) No 3815/89<sup>(3)</sup> lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain;

Whereas, in the case of table grapes, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 has remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas

a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain;

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other 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<sup>(4)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(5)</sup>;
- 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

On import into the Community of Ten of table grapes (CN codes 0806 10 15 and 0806 10 19) from Spain a corrective amount of ECU 3,38 per 100 kilograms net shall be levied.

*Article 2*

This Regulation shall enter into force on 31 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 363, 13. 12. 1989, p. 3.

<sup>(2)</sup> OJ No L 185, 4. 7. 1992, p. 17.

<sup>(3)</sup> OJ No L 371, 20. 12. 1989, p. 28.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(5)</sup> OJ No L 201, 31. 7. 1990, p. 9.

**COMMISSION REGULATION (EEC) No 2154/92**  
**of 29 July 1992**  
**amending Regulation (EEC) No 1835/92 introducing a countervailing charge on**  
**fresh lemons originating in Argentina**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1754/92<sup>(2)</sup>, and in particular the first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1835/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 2040/92<sup>(4)</sup>, introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 1835/92 'ECU 6,59' is hereby replaced by 'ECU 11,08'.

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 23.

<sup>(3)</sup> OJ No L 185, 4. 7. 1992, p. 31.

<sup>(4)</sup> OJ No L 207, 23. 7. 1992, p. 43.

**COMMISSION REGULATION (EEC) No 2155/92**

of 29 July 1992

**abolishing a countervailing charge on cucumbers originating in Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1754/92<sup>(2)</sup>, and in particular the first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2012/92<sup>(3)</sup>, introduced a countervailing charge on cucumbers originating in Poland;

Whereas for cucumbers originating in Poland there were no prices for six consecutive working days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing

charge on imports of cucumbers originating in Poland can be abolished;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2012/92 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 30 July 1992.

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

Done at Brussels, 29 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 23.

<sup>(3)</sup> OJ No L 203, 21. 7. 1992, p. 18.

## COMMISSION REGULATION (EEC) No 2156/92

of 29 July 1992

introducing a countervailing charge on certain varieties of plum originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1754/92<sup>(2)</sup>, and in particular the first subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1463/92 of 4 June 1992 fixing for the 1992 marketing year the reference prices for plums<sup>(3)</sup> fixed the reference price for class I, group I at ECU 69,39 per 100 kilograms net for the period from 11 June to 31 July 1992;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available, less the duties, and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74<sup>(4)</sup>, as last amended by Regulation (EEC) No 3811/85<sup>(5)</sup>, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for plums of group I originating in the United States of America the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these plums;

Whereas, if the system is to operate normally, the entry price 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 Article 3 (1) last paragraph of Council Regulation (EEC) No 1676/85<sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(7)</sup>,
- 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of ECU 4,99 per 100 kilograms net is applied to plums (CN codes 0809 40 11 and 0809 40 19), of the following varieties: Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosniche, originating in the United States of America.

*Article 2*

This Regulation shall enter into force on 31 July 1992.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.<sup>(2)</sup> OJ No L 180, 1. 7. 1992, p. 23.<sup>(3)</sup> OJ No L 153, 5. 6. 1992, p. 12.<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.<sup>(5)</sup> OJ No L 368, 31. 12. 1985, p. 1.<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(7)</sup> 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, 29 July 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**COUNCIL DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF  
THE MEMBER STATES, MEETING WITHIN THE COUNCIL,**

**of 23 July 1992**

**concerning the temporary suspension of customs duties applicable to imports of  
ECSC products originating in Iceland**

**(92/394/ECSC)**

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE  
EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

As from 1 August 1992 to 31 January 1993, Member States of the European Coal and Steel Community shall suspend their customs duties applicable to imports of products covered by the Treaty establishing the European Coal and Steel Community originating in Iceland within the meaning of Protocol No 3 of the Agreement between the European Economic Community and the Republic of Iceland signed in Brussels on 22 July 1972<sup>(1)</sup> and which entered into force on 1 July 1973.

*Article 2*

Member States shall take the measures necessary to implement this Decision.

Done at Brussels, 23 July 1992.

*The President*

John COPE

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<sup>(1)</sup> OJ No L 301, 31. 12. 1972, p. 2.