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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 545/93

of 8 March 1993

extending the provisional anti-dumping duty on imports of certain seamless pipes and tubes, of iron or non-alloy steel, originating in former Czechoslovakia, Hungary, Poland and the Republic of Croatia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EEC) No 3296/92⁽²⁾, imposed provisional anti-dumping duties on imports of certain seamless pipes and tubes, of iron or non-alloy steel, originating in former Czechoslovakia, Hungary, Poland and the Republic of Croatia;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose an extension of the validity of the provisional duty for an additional period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, the provisional anti-dumping duty imposed by Commission Regulation (EEC) No 3296/92 is hereby extended for a period of two months. It shall cease to apply if, before the expiry of that period, the Council adopts definitive measures of the proceeding is terminated under Article 9 of Regulation (EEC) No 2423/88.

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, 8 March 1993.

For the Council

The President

N. HELVEG PETERSEN

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 328, 14. 11. 1992, p. 15.

COMMISSION REGULATION (EEC) No 546/93**of 10 March 1993****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to 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 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 9 March 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3873/92 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 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 10 March 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	135,06 ⁽²⁾ ⁽³⁾
0712 90 19	135,06 ⁽²⁾ ⁽³⁾
1001 10 00	172,66 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	138,87
1001 90 99	138,87 ⁽¹¹⁾
1002 00 00	149,49 ⁽⁶⁾
1003 00 10	126,86
1003 00 20	126,86
1003 00 80	126,86 ⁽¹¹⁾
1004 00 00	114,71
1005 10 90	135,06 ⁽²⁾ ⁽³⁾
1005 90 00	135,06 ⁽²⁾ ⁽³⁾
1007 00 90	136,92 ⁽⁴⁾
1008 10 00	45,97 ⁽¹¹⁾
1008 20 00	82,05 ⁽⁴⁾
1008 30 00	35,91 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	35,91
1101 00 00	207,10 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	221,97 ⁽⁸⁾
1103 11 30	279,85 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	279,85 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	222,35 ⁽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 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

⁽⁸⁾ 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 (OJ No L 166, 28. 6. 1991, p. 42) 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 547/93

of 10 March 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 9 March

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The premiums 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 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

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 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 10 March 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	3,14
0712 90 19	0	0	0	3,14
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	4,79	4,79	4,90
1005 10 90	0	0	0	3,14
1005 90 00	0	0	0	3,14
1007 00 90	0	7,60	7,60	7,60
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	10,51	10,58	10,51
1008 90 90	0	10,51	10,58	10,51
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 548/93**of 9 March 1993****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 12 March 1993.

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

Done at Brussels, 9 March 1993.

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	39,21	1 568	292,20	76,18	258,60	10 287	31,34	72 442	85,64	31,77
1.20	0702 00 10 0702 00 90	Tomatoes	59,98	2 400	447,00	116,54	395,60	15 737	47,95	110 821	131,02	48,60
1.30	0703 10 19	Onions (other than seed)	27,83	1 113	207,43	54,08	183,58	7 303	22,25	51 426	60,80	22,55
1.40	0703 20 00	Garlic	189,37	7 577	1 411,26	367,94	1 248,99	49 686	151,40	349 878	413,66	153,46
1.50	ex 0703 90 00	Leeks	35,55	1 422	264,92	69,06	234,45	9 327	28,42	65 678	77,65	28,80
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
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	31,38	1 265	239,40	61,47	210,09	8 126	23,42	54 525	69,15	25,05
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	119,17	4 768	888,12	231,54	786,00	31 268	95,28	220 180	260,32	96,57
1.100	ex 0704 90 90	Chinese cabbage	37,26	1 491	277,70	72,40	245,77	9 777	29,79	68 847	81,39	30,19
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	177,16	7 088	1 320,27	344,21	1 168,46	46 483	141,64	327 319	386,99	143,56
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	38,31	1 533	285,51	74,44	252,68	10 052	30,63	70 785	83,68	31,04
1.140	ex 0706 90 90	Radishes	162,01	6 482	1 207,35	314,77	1 068,52	42 507	129,53	299 324	353,89	131,28
1.150	0707 00 11 0707 00 19	Cucumbers	89,07	3 564	663,80	173,06	587,47	23 370	71,21	164 569	194,57	72,18
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	273,02	10 924	2 034,63	530,46	1 800,68	71 634	218,28	504 422	596,37	221,24
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	202,49	8 102	1 509,03	393,43	1 335,52	53 129	161,89	374 118	442,32	164,09
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	365,81	14 637	2 726,07	710,73	2 412,62	95 977	292,46	675 843	799,04	296,43
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	95,43	3 818	711,17	185,41	629,40	25 038	76,29	176 314	208,45	77,33
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	557,22	22 296	4 152,50	1 082,63	3 675,03	146 198	445,49	1 029 481	1 217,15	451,55
1.200.2	ex 0709 20 00	— other	526,03	21 024	3 913,81	1 020,70	3 455,29	137 215	418,45	976 186	1 149,14	431,29
1.210	0709 30 00	Aubergines (egg-plants)	132,71	5 310	988,98	257,84	875,26	34 819	106,10	245 187	289,88	107,54
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	44,29	1 772	330,07	86,05	292,11	11 620	35,41	81 830	96,74	35,89
1.230	0709 51 30	Chantarelles	1 419,0	57 401	10 720,9	2 789,11	9 463,39	362 312	1 059,4	2 384 427	3 138,97	1 157,8
1.240	0709 60 10	Sweet peppers	182,23	7 291	1 358,06	354,07	1 201,90	47 813	145,69	336 687	398,06	147,67
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
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	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	41,38	1 655	308,39	80,40	272,93	10 857	33,08	76 456	90,39	33,53
2.30	ex 0804 30 00	Pineapples, fresh	44,84	1 794	334,19	87,13	295,76	11 766	35,85	82 852	97,95	36,34
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	140,41	5 618	1 046,39	272,81	926,08	36 840	112,26	259 421	306,71	113,78

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	138,37	5 536	1 031,16	268,84	912,59	36 304	110,62	255 643	302,24	112,13
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	43,56	1 743	324,64	84,64	287,31	11 429	34,82	80 485	95,15	35,30
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	28,50	1 140	212,45	55,39	188,02	7 479	22,79	52 670	62,27	23,10
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	20,97	839	156,31	40,75	138,34	5 503	16,77	38 753	45,81	16,99
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	75,44	3 018	562,23	146,58	497,59	19 794	60,31	139 389	164,79	61,13
2.70.2	ex 0805 20 30	— Monreales and Satsumas	34,34	1 374	255,92	66,72	226,49	9 010	27,45	63 448	75,01	27,82
2.70.3	ex 0805 20 50	— Mandarins and wilkings	38,22	1 529	284,83	74,26	252,08	10 028	30,55	70 616	83,49	30,97
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	57,79	2 312	430,71	112,29	381,18	15 164	46,20	106 781	126,24	46,83
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	31,84	1 274	237,27	61,86	209,99	8 353	25,45	58 824	69,54	25,80
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	149,42	5 978	1 113,50	290,31	985,46	39 203	119,46	276 057	326,38	121,08
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	27,73	1 109	206,67	53,88	182,90	7 276	22,17	51 238	60,57	22,47
2.90.2	ex 0805 40 00	— pink	53,85	2 154	401,35	104,63	355,20	14 130	43,05	99 502	117,64	43,64
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	140,18	5 608	1 044,64	272,35	924,52	36 778	112,07	258 985	306,19	113,59
2.110	0807 10 10	Water-melons	63,70	2 548	474,69	123,76	420,11	16 712	50,92	117 685	139,13	51,61
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	57,20	2 288	426,26	111,13	377,25	15 007	45,73	105 679	124,94	46,35
2.120.2	ex 0807 10 90	— other	138,59	5 545	1 032,78	269,26	914,03	36 361	110,80	256 046	302,72	112,30
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	60,33	2 414	449,65	117,23	397,95	15 831	48,24	111 477	131,79	48,89
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	97,76	3 911	728,53	189,94	644,76	25 649	78,15	180 615	213,54	79,22
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	64,79	2 592	482,84	125,88	427,32	16 999	51,80	119 705	141,52	52,50
2.150	0809 10 00	Apricots	149,80	6 026	1 116,94	292,34	987,82	39 062	120,27	269 535	328,97	121,69
2.160	0809 20 10 0809 20 90	Cherries	131,05	5 272	977,14	255,75	864,18	34 173	105,21	235 798	287,79	106,46
2.170	ex 0809 30 00	Peaches	95,50	3 821	711,71	185,55	629,87	25 057	76,35	176 446	208,61	77,39

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	194,13	7767	1446,66	377,17	1280,32	50933	155,20	358655	424,03	157,31
2.190	0809 40 11] 0809 40 19]	Plums	126,29	5053	941,16	245,38	832,95	33136	100,97	233332	275,86	102,34
2.200	0810 10 10] 0810 10 90]	Strawberries	192,35	7696	1433,40	373,71	1268,58	50466	153,78	355366	420,15	155,87
2.205	0810 20 10	Raspberries	937,57	37514	6986,88	1821,60	6183,49	245989	749,58	1732173	2047,94	759,76
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	161,42	6779	1268,11	329,16	1111,99	40501	123,65	249172	371,08	116,29
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	44,72	1799	333,48	87,28	294,93	11662	35,90	80473	98,21	36,33
2.230	ex 0810 90 80	Pomegranates	97,15	3883	722,86	188,51	638,17	25342	77,28	180296	212,24	79,65
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	104,54	4182	779,04	203,11	689,47	27428	83,57	193140	228,34	84,71
2.250	ex 0810 90 30	Lychees	127,19	5089	947,86	247,12	838,87	33371	101,69	234994	277,83	103,07

COMMISSION REGULATION (EEC) No 549/93

of 10 March 1993

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 3814/92⁽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 491/93⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 491/93 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 the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾ are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 491/93, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 52, 4. 3. 1993, p. 5.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 17.

ANNEX

to the Commission Regulation of 10 March 1993 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽²⁾
	— ECU/100 kg —
1701 11 90 100	35,01 ⁽¹⁾
1701 11 90 910	32,84 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	35,01 ⁽¹⁾
1701 12 90 910	32,84 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3806
	— ECU/100 kg —
1701 99 10 100	38,06
1701 99 10 910	37,50
1701 99 10 950	37,50
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3806

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

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

⁽³⁾ Refunds 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.

COMMISSION REGULATION (EEC) No 550/93

of 5 March 1993

imposing a provisional anti-dumping duty on imports of bicycles originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROCEDURE

- (1) In July 1991, the Commission received a complaint lodged by the European Bicycle Manufacturers Association (EBMA) on behalf of producers representing a major proportion of the Community production of bicycles. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding.
- (2) The Commission accordingly announced by a notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports of bicycles originating in Taiwan and the People's Republic of China, falling within CN Code 8712 00, and commenced an investigation.
- (3) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants. Parties directly concerned were given the opportunity to make their views known in writing and to request a hearing.
- (4) Representatives of the exporters, the complainant, some importers and trade associations made their views known in writing. Some Taiwanese and

Chinese exporters requested and were granted a hearing. An association of enterprises with investments in China also requested and was granted a hearing.

- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) Community producers

- Peugeot Cycles, Neuilly/Seine, France,
- Cycles Gitane, Machecoul, France,
- Kynast AG, Quakenbrück, Germany,
- Nürnberger Hercules Werke GmbH, Nürnberg, Germany,
- Derby Cycle Werke GmbH, Cloppenburg, Germany,
- Batavus BV, Heerenveen, Netherlands,
- Gazelle Rijwielabriek BV, Dieren, Netherlands,
- BH SA, Madrid, Spain,
- Raleigh Industries Ltd, Nottingham, United Kingdom,
- Dawes Cycles Ltd, Birmingham, United Kingdom.

(b) Importers in the Community

1. *Related importers,*

Germany :

- Giant Deutschland GmbH, Düsseldorf;

Netherlands,

- Giant Europe BV, Lelystad,
- Giant Holland BV, Lelystad;

2. *Unrelated importers,*

United Kingdom,

- Halfords Ltd, Redditch,
- Moore Large & Co., Ltd, Luton.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 266, 12. 10. 1991, p. 6.

(c) Producers in Taiwan

- (6) In view of the large number of Taiwanese producers involved in the proceeding, the Commission was unable to verify the information concerning all companies within a reasonable timespan compatible with the purpose of anti-dumping proceedings. For this reason, the Commission was obliged to resort to sampling. In agreement with the Taiwan Transportation Vehicle Manufacturers Association (TTVMA), the following eight companies were selected for a complete investigation, including verification at their premises:

- Dahon Inc. (Hon Machinery Inc.), Taipei,
- Giant Manufacturing Taiwan, Taichung Hsien,
- Merida Industry Co., Nanlin,
- Rockman Taiwan, Taichung Hsien,
- Southern Cross Int., Co., Ltd, Nantou,
- United Engineering Corp., Luchu Taoyuan,
- Wheeler Industry Co., Ltd, Taichung,
- Willing Industry Co., Ltd, Tainan.

(d) Producers in the People's Republic of China

- (7) A number of producers replied to the Commission's questionnaire. However, since the People's Republic of China is a non-market economy country, normal value could not be determined on the basis of Article 2 (3) of Regulation (EEC) No 2423/88. No investigation was carried out at the premises of those companies.
- (8) The investigation of dumping covered the period from 1 October 1990 to 30 September 1991 ('the investigation period').

B. PRODUCT UNDER INVESTIGATION — LIKE PRODUCT

- (9) The products concerned are bicycles of all types with or without ball bearings. The product is extremely heterogeneous. Indeed, several thousands of bicycle models exist which vary in respect of a great number of specific features. Despite such differences, all different types present the same basic characteristics which make them essentially alike as regards their nature and use. Within this overall product range, bicycles are usually classified in five different sub-categories, i.e. mountain bicycles, sport/racing bicycles, touring bicycles, junior action bicycles and other bicycles. There are, however, no clear dividing lines between these

categories and the different product segments overlap. In a number of cases, one bicycle type can, indeed, be classified in two or more categories.

- (10) Taiwanese and Chinese producers submitted that each of these categories, and especially mountain bikes, should be considered separately on the grounds that there were clear physical and technical differences as well as differences in the use, manufacturing processes, materials used, marketing and development of each segment. The Commission has examined this claim. It found, however, that each category of bicycle is manufactured using the same processes and is distributed through similar channels of distribution. Their basic application and use are identical. There is a high degree of interchangeability and, consequently, of competition between models classified in different categories. This, together with the fact that a number of bicycles can be classified in two or more categories, leads to the conclusion that the whole range of models has to be considered as forming a single product.
- (11) The Commission also found that the bicycles sold on the Taiwanese market and the imports in question comprised a similar range of models and that their basic technical and physical characteristics were identical to, or closely resembled, those of the different bicycle types produced by the Community industry. Consequently, the Commission considered that bicycles produced and sold by the Community producers formed one single product and constituted a like product, relative to the product imported from Taiwan and the People's Republic of China, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

C. COMMUNITY INDUSTRY

- (12) Those Community producers who fully cooperated in the investigation accounted for 52,2 % of total Community production of bicycles. Producers representing a further 10 % of Community output supplied some basic information on their production and expressed support for the complaint.
- (13) A number of Taiwanese and Chinese producers stated that certain Community producers could not be considered as part of the Community industry, in the light of Article 4 (5) of Regulation (EEC) No 2423/88, as they had imported bicycles from Taiwan and the People's Republic of China during the investigation period. The Commission established that certain Community producers did indeed import bicycles from Taiwan. The quantity

of imports during the investigation period was, however, found to be insignificant in relation to the volume of production of these companies and to the total volume of imports originating in Taiwan and China. The Commission also found that those imports represented a reaction to competition from lower-priced imports, in particular from China. The purpose of those imports was to remain on the market with a complete range of models or to secure market segments which might have been lost without sales of the models in question. The imports, therefore, have to be viewed as a measure of legitimate commercial self-protection. Their relatively low volume shows, furthermore, that the Community industry is still substantially committed to the production of bicycles. Consequently, the Commission considers that there are no reasonable grounds for excluding those companies and that they satisfy the requirements for being regarded as part of the Community industry.

D. DUMPING

1. Sampling

(i) *Taiwan*

- (14) Because of the large number of Taiwanese producers, sampling was used for the calculation of dumping. The companies included in the sample were all producers with domestic sales equivalent to at least 5 % of their exports to the Community, to which were added, on request by the TTVMA, two other companies without domestic sales but with significant exports to the Community. These companies represented 49 % of all Taiwanese bicycle exports to the Community during the investigation period.

(ii) *People's Republic of China*

- (15) The Commission had also, for the purpose of establishing export prices for the People's Republic of China, to resort to sampling in view of the great number of Chinese producers involved in the proceeding and the high volume of Chinese exports. To this end, it established a sample of Chinese producers selected on the basis of the volume of their sales to the Community.

As two types of Chinese producers were identified, i.e. State-owned organizations and so-called joint

ventures (companies with non-Chinese participation) the sample established consisted of two State-owned organisations and two joint-venture companies. Further, an exporter selling bicycles produced in China via Hong Kong was included in the sample. These five exporters represented 85,15 % of all exports to the Community by the companies which replied to the questionnaire.

2. Normal value

(i) *Taiwan*

- (16) Six companies in Taiwan sold, on their domestic market, bicycles sufficient in quantity to allow domestic prices to be used as a basis for normal value. In this particular case, however, the number of models sold domestically as well as for export to the Community was extremely large. All those models showed a considerable variety of physical characteristics and combinations of features. The establishment of normal value allowing proper comparison with export prices, on the basis of prices charged on the domestic market in Taiwan would, under these conditions, have required exceptionally complex calculations. It was therefore decided to take account of such differences by using the actual manufacturing cost of the exported models, thus avoiding numerous adjustments, most of which would have had to be based on estimations. Consequently, and in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88, normal value was provisionally calculated on the basis of a constructed value for the products destined to be exported to the Community.

- (17) Those constructed values were calculated by adding to the manufacturing costs of the exported models the selling, general and administrative costs (SG&A) and profit margin found for each individual company on its domestic sales. For one company whose domestic sales were made at a loss, the profit margin used was the average profit margin of all companies with profitable domestic sales. For two companies which did not sell on the domestic market, the SG&A and profit margin used were the weighted average figures calculated for all domestic sales by the companies which sold on their domestic market in sufficient quantities. All these calculations were made in conformity with the abovementioned Article 2 (3) (b) (ii).

(ii) *People's Republic of China*

- (18) In order to establish normal value for the People's Republic of China, the Commission had to take account of the fact that that country does not have a market economy and thus it had to base its determination of normal value on the conditions in a market economy country (analogous country), in accordance with Article 2 (5) of Regulation (EEC) No 2423/88. As analogous country, the complainants had suggested Taiwan. A number of Chinese exporters objected to the choice of Taiwan, alleging that the Taiwanese product was not sufficiently similar to the Chinese product. According to those exporters, bicycle models sold in Taiwan were different from those sold on the domestic Chinese market and were manufactured using different components. In addition, the exporters pointed to the fact that the scale of production was much larger in China than in Taiwan.

As an alternative, India was proposed. To justify this proposal, it was argued that India produced bicycles on a scale comparable to that in China and that the domestic production, both in India and in China, was primarily devoted to the manufacture of so-called city bicycles, a basic model for which production was very low in Taiwan. Another group of producers which also objected to the choice of Taiwan proposed, without, however, giving any justification for their request, that Malaysia, Indonesia or Thailand be chosen as the analogous country.

- (19) The Commission consequently contacted the most important bicycle producers in the four countries mentioned above in order to seek their cooperation. No positive reply was received.
- (20) In the circumstances, the Commission examined carefully whether, contrary to the opinion expressed by the Chinese producers mentioned above, the use of Taiwan as an analogous country was 'appropriate and not unreasonable' within the meaning of Article 2 (5) of Regulation (EEC) No 2423/88. With a yearly bicycle production of 7 million units, Taiwan is, worldwide, the fourth largest producer after China (32 million) and India and Japan (8 million each). The difference in scale of production with India is, therefore, insignificant for the purpose of the present determination. Furthermore, the level of competition on the Taiwanese market, given the large number of domestic suppliers, is high. Finally, the Commission found that Taiwanese models were largely comparable to the Chinese models included in the

sample. The fact that the Chinese production sold domestically consists mainly of 'city bicycles' is irrelevant as these models are not exported to the Community.

- (21) Consequently, Taiwan was considered an appropriate analogous country for the determination of the normal value of Chinese exports to the Community and, in accordance with Article 2 (5) (a) (i) of Regulation (EEC) No 2423/88, normal value was established on the basis of the prices for each of the models of bicycles sold by the Taiwanese producers on their domestic market.

3. **Export price**(i) *Taiwan*

- (22) For export transactions with independent Community buyers, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.
- (23) In the case of sales to related companies in the Community, export prices were constructed on the basis of the price at which the imported product was first resold to an independent buyer, pursuant to Article 2 (8) (b) of Regulation (EEC) No 2423/88. Account was taken of all costs incurred between importation and resale and of a profit margin of 5 % which was considered reasonable in view of the information gathered in the course of the investigation with regard to the profit margin of independent importers.

(ii) *People's Republic of China*

- (24) All export sales were made to independent buyers in the Community. Consequently, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.
- (25) A company located in Hong Kong exported bicycles to the Community which were declared to be of Chinese origin. The bicycles were produced in the People's Republic of China in a State-owned factory and were sent to Hong Kong against payment of a manufacturing fee including labour costs. There was no invoice price between the factory in China and the exporter in Hong Kong who invoiced the sales to the Community. Consequently, the export prices were based on the price to the Community as invoiced by the company in Hong Kong, in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88, subject to adjustments made in accordance with Article 2 (9) and (10) of the same Regulation (see 28).

4. Comparison

(i) *Taiwan*

- (26) For the purpose of a fair comparison, normal values were compared with export prices on a transaction-by-transaction basis at an ex-factory level. As far as differences affecting price comparability were concerned, adjustments were granted in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, where sufficient evidence was supplied. Such adjustments concerned differences in costs for transport, insurance, handling, packing, credit, warranties, commissions and sales personnel salaries.
- (27) Several Taiwanese producers requested an adjustment to take account of the fact that their export sales were so-called OEM (original equipment manufacturer) transactions, i.e. sales made to companies which resold the imported product under their own brand name. They argued that such sales could not be compared to domestic sales effected under the producer's brand name, because OEM sales would be made at lower prices as a result of lower SG&A costs and profit. While in other cases both the Commission and the Council have adopted such an approach, the Commission could not accept the claim made by the Taiwanese producers since prices, costs and profits for OEM sales on the Taiwanese market were found to be comparable to those for own-brand sales.

(ii) *People's Republic of China*

- (28) Normal values and export prices were compared on a transaction-by-transaction basis. Adjustments for differences affecting price comparability were granted in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88. These included adjustments for transport, insurance and handling.
- (29) The Chinese producers asked that normal values be adjusted to take account of differences in quality between their product and the Taiwanese models as well as differences in labour costs.

The Commission consequently examined whether the alleged 'quality' differences could be considered, within the meaning of Article 2 (10) (a) of Regulation (EEC) No 2423/88, as differences in physical characteristics having a bearing on consumer perception. The Commission endeav-

oured to use, for the purpose of comparison, Taiwanese models which were less well equipped than the comparable Chinese model. Regarding possible differences in labour costs, the Commission recalls that in the case of State trading countries where costs are not determined by market forces, such differences cannot be taken into consideration for the purpose of comparing normal value, based on an analogous market, with export prices.

5. Dumping margins

(i) *Taiwan*

- (30) The comparison of normal values with export prices shows the existence of a limited amount of dumping in respect of a small number of companies included in the sample. However, the weighted average dumping margin for all companies investigated expressed as a percentage of cif value, amounted to 1,05 %. Under these circumstances, the Commission is of the opinion that the dumping margin for Taiwan has to be considered negligible.

(ii) *People's Republic of China*

- (31) Some of the Chinese producers with non-Chinese participation (so-called 'foreign joint ventures') situated in a Special Economic Zone of China requested individual treatment leading to the establishment of specific individual anti-dumping duties for their exports.
- (32) The Commission notes that there is no possibility of establishing separate normal values for the different producers since the normal value for a non-market economy such as China must be established according to the provisions of Article 2 (5) of Regulation (EEC) No 2423/88.
- (33) The Commission further considers that individual treatment is only appropriate for exporters in centrally-planned economies in exceptional cases, since exports can be channelled by the State authorities through whichever exporter has the lowest anti-dumping duty, without any regard to the relative costs of the products of the various producers.
- (34) The Commission is prepared to grant individual treatment — that is, to take account of an individual producer's export prices for the purposes of calculating dumping and injury margins and thus anti-dumping duties — where the exporter demonstrates that it operates independently of the State,

public bodies and State-controlled companies in the conduct of its sales policy and that this autonomy will continue into the future (i.e. there are no arrangements whereby control which is not at present exercised can be invoked in the future). The power of the State or a representative of the State to block certain key decisions of the company prevents a company from acting in a truly autonomous manner.

- (35) In particular, the Commission considers that the sole fact that a company is situated in a Special Economic Zone is not sufficient to demonstrate that a company acts autonomously.
- (36) In the present case, none of the companies involved has yet been able to demonstrate to the satisfaction of the Commission that it does enjoy, and can be expected to continue to enjoy, the necessary degree of commercial autonomy to be granted individual treatment, but the Commission will continue to examine the matter with the companies concerned in the remaining period of the investigation.
- (37) Therefore, the calculation of the dumping margin for China had to be calculated as a weighted average of the margin of the exporters included in the sample. The comparison of normal value and export prices shows the existence of dumping, the weighted average margin, expressed as a percentage of cif value, being 34,4 %.

E. INJURY

1. Total consumption, volume and market shares of dumped imports

- (38) Dumped imports of bicycles originating in the People's Republic of China rose from 693 600 units in 1989 to 2 100 600 units during the investigation period, representing an increase over a period of two years and nine months of more than 200 %, i.e. an average increase of more than 70 % on an annual basis. Consumption in the Community also increased but to a much lesser degree, i.e. from 15 045 600 units in 1989 to 19 910 500 units during the investigation period, which represents an increase of 32,3 % over the period.
- (39) The Chinese producers increased their market share from 4,6 % in 1989 to 10,5 % in the investigation period. By contrast, the Community industry

saw its markets share drop from 33 % to 27 % between 1989 and the investigation period.

2. Prices of dumped imports

- (40) The Commission compared the prices of Chinese models of bicycles exported with models produced and sold by the Community industry on the EC market. For this purpose, all bicycle models produced by the Community industry were classified into one hundred different groups of bicycles, created on the basis of three criteria, i.e. category (see 9), material of frame and number of gears. The same classification was applied, individually for each Chinese exporter included in the sample, to the bicycle models exported to the Community.
- (41) Average prices were then calculated per exporter and per group and compared with average prices of each corresponding Community industry group.
- (42) The comparison was made on the basis of sales to the first independent customer. Account was taken of differences in the level of distribution channel, and adjustments were granted in this respect on the basis of the information available from the trade.
- (43) Price undercutting was thus calculated as the average difference between the cif price, duty-paid, of the exporters concerned and the prices of the Community industry on the Community market, duly adjusted to ex-factory level. The differences in prices have been expressed as a percentage of the cif value.
- (44) On this basis, substantial price undercutting was found. The weighted average undercutting margin amounted to 43,8 % for Chinese exports.

3. State of the Community industry

(a) *Production, capacity, utilization rate and stocks*

- (45) The production of the Community industry concerned increased from 5 673 000 units in 1989 to 5 945 000 units for the period of investigation.
- (46) In order to maintain or improve its presence on a bicycle market characterized by growing demand, the Community industry increased its production capacity from 8,7 million units in 1989 to 9,1 million units in the investigation period. Since, however, production and sales could not be increased in line with the growth of the market, capacity utilization initially increased from 65 % in 1989 to 71 % in 1990 but dropped again to 65,1 % during the investigation period.

- (47) The level of stocks held by the Community industry rose from 325 000 units in 1989 to 410 000 units at the end of the investigation period, representing an increase of 26 %.

(b) Sales and market shares

- (48) While the apparent consumption showed an increase of 32,3 % between 1989 and the investigation period, sales by the Community industry stagnated, the yearly increase being less than 2 %, i.e. from 5 million units to 5,3 million units during the same period.
- (49) Consequently, the market share held by the Community industry concerned fell from 33,3 % in 1989 to 27,0 % in the investigation period.

(c) Development of Prices

- (50) When examining the development of prices of the Community industry, the Commission found that the specifications for bicycles have increased substantially both in number and in quality in recent years. It was, therefore, not possible to establish with sufficient precision the exact price development for each of the numerous models. However, for a number of samples it could be shown that bicycle prices did not follow the up-grading of specifications. In some cases, prices dropped despite higher specifications and more features.

(d) Profitability

- (51) Had the Community industry's production and sales increased in line with the growth of the market, the normal result would have been economies of scale and increased profits. Instead, the Commission found that profits had actually dropped. Profitability on sales, before taxes, of the Community industry fell from 6,9 % in 1989 to 5,3 % in the investigation period. These figures, however, mask the true picture since the results of a number of firms, representing a production of one million units, were so bad that they ceased trading.

(e) Investments

- (52) In order to maintain or improve its presence on the growing Community market, the Community industry increased the level of investment from ECU 20,7 million in 1989 to ECU 25,3 million during the investigation period.

4. Conclusion as to injury

- (53) The Community market in bicycles has expanded by more than 50 % over the last four years. In normal circumstances, this substantial increase in consumption should have allowed the Community industry to benefit from increased quantities leading to reduced costs and increased profits. The Community industry, however, did not benefit from the increase in the market. Since sales stagnated, the Community industry lost market share to the Chinese, who tripled their exports between 1989 and the reference period. Increased stocks led to increases in costs. The pressure excited by the exporters from the People's Republic of China on bicycle prices in the Community eroded profitability and frustrated the investments of the Community industry. Those investments demonstrated the commitment of that industry to bicycle production and its willingness to remain competitive.

- (54) All these factors have affected negatively the economic and financial situation of the Community industry which, accordingly, is considered to have suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

F. CAUSE OF INJURY

(a) Effect of dumped imports

- (55) Some State-owned Chinese producers argued that, when assessing the effect of the dumped imports, their bicycle sales should be separated from those of Chinese joint venture companies; the alleged considerable differences in the physical characteristics, quality, price, volume, sales channels and customs treatment of the various products. The Commission considered that according to the case-law of the Court of Justice, the injury caused to the Community industry by imports from one or more countries should normally be assessed comprehensively, and not therefore, as was suggested by the exporters in question, individually or on the basis of a certain group of producers. All exports from the People's Republic of China have consequently been cumulated.
- (56) In its examination of the extent to which the material injury suffered by the Community industry was caused by the effects of the dumped imports in question, the Commission found that the increase in volume and market share of the dumped imports coincided with the drop in the Community industry's market share and profitability.

- (57) Moreover, the bicycle market is transparent, and purchase decisions are essentially made on the basis of prices. The considerable price undercutting of the dumped imports consequently had a major negative impact on the price level in the Community and on the volume of sales by the Community industry.

(b) Other factors

- (58) It has been alleged by a Chinese producer that the injury suffered by the Community industry was due, at least partially, to the fact that the industry was not sufficiently fast in reacting to a sharply increasing demand for mountain bikes in the Community. It was, this producer claimed, quite normal that, in a period of growing demand, imports should fill a gap in supply caused by the Community industry's inability to meet the increased demand in time.

The Commission, however, did not find any confirmation for these allegations. The industry launched its mountain bikes as early as 1980, and their production capacity was sufficient to satisfy demand. The cause of the injury, the Commission found, was not a lack of production capacity but rather the imports of large volumes of bicycles from the People's Republic of China at such low prices that the industry in the Community was in fact prevented from maintaining its prices at a level sufficient to offset cost increases, due in particular to higher prices for components.

- (59) As regards channels of distribution, it was alleged that Community producers refused to supply department stores and mass outlets. No evidence has been submitted showing that this was indeed the case. On the contrary, it was found that most producers had various channels of distribution whose importance varied according to the type of customer and product.
- (60) The market share of other third countries' imports showed a growth from 12,6 % in 1988 to 22,1 % during the investigation period, while the market share of China's imports rose from 4,2 % to 10,5 %. Taiwanese exports, which increased during this period from 5,6 % to 13,6 %, accounted for most of the imports from other third countries into the Community. However, their impact on the Community industry can be distinguished from that of the Chinese imports. The Commission

examined the Taiwanese export prices and found, applying the same methodology as is described in (40) to (44), that there was no clear price-undercutting by the Taiwanese producers. In general, the average unit price of Taiwanese bicycles was slightly higher than those of the Community industry and clearly higher than the Chinese products.

- (61) Accordingly, while it cannot be ruled out that factors other than dumped imports from China also had negative effects on the Community industry, it must be concluded that the very substantial expansion in volume and the low, dumped prices of the Chinese exports have been a reason for the stagnation of the EC producers' sales and the erosion of bicycle prices in the Community. Those exports taken in isolation, must, therefore, be considered to have caused material injury to the Community industry.

G. COMMUNITY INTEREST

- (62) When examining the Community interest, the Commission found that since 1987 the Community industry, within the limits of its resources, has been increasing its yearly investment both to expand its production capacity and to improve its efficiency. Considerable efforts have also been made in order to rationalize the production process. This shows the determination of the Community bicycle industry to remain competitive in the business. If the effects of dumped imports were not eliminated these efforts would be jeopardized and the Community bicycle industry would see its position further weakened; even more producers would have to face the prospect of a shutdown. The effect on employment — the industry presently provides 8 700 jobs — would be serious and the resulting crisis would also affect the European manufacturers of bicycle components, which account for about 70 % of a bicycle's value.
- (63) Furthermore, there are indications that the construction of new plants, considerably increasing production capacity, is under way in China, in particular by Asia Bicycle Co., Xiamen Euro Bike and Guangzhou Five Rams Bicycle Industry Corp. Moreover, the Kunshan Development Zone in China appears to be planned to become one of the world's largest bicycle production sites to rival that of Shenzhen which already has the capacity to produce annually well over 5 000 000 bicycles. Since the investigation period, the Chinese produ-

cers, according to their own statements, have already increased their production by some 11 % in 1992. It is consequently anticipated that for the years 1993 and 1994 there will be a sharp increase in Chinese exports. Under these conditions, unless the effect of the dumped exports is eliminated, the Community industry may not be in a position to survive in the longer term. Consequently, the Community industry's interests and the interests of related sectors clearly call for intervention.

- (64) As far as the interests of consumers are concerned, the Commission is aware of the fact that an anti-dumping duty on imports of bicycles from the People's Republic of China, which in terms of market share represent some 10 % of the Community market, would increase the prices of these bicycles if the price increase is passed on by the dealer to the consumer. However, the purpose of an anti-dumping duty is to re-establish fair competition on the Community market by eliminating the injurious effects of dumping practices. This is beneficial for the consumer in the long term. Also, the temporary disadvantage of higher prices for the consumer in the long term. Also, the temporary disadvantage of higher prices for the consumer has to be viewed in the light of the abovementioned consequences for the Community industry should no anti-dumping duty be imposed on bicycles from the People's Republic of China, i.e. more plant closures, negative effects on the employment situation and loss of competitiveness and viability for the remaining companies.

- (65) In the circumstances, the Commission concludes that the adoption of measures aimed at re-establishing fair competitive conditions in the Community market for the product concerned, and permitting the Community industry to obtain a reasonable return on its sales and thus eliminating the injurious effects of the dumped imports from the People's Republic of China, is in the interests of the Community.

H. PROVISIONAL DUTY

- (66) According to Article 13 (3) of Regulation (EEC) No 2423/88, the level of the provisional duty should be equal either to the margin of dumping or the amount necessary to remove the injury, whichever is lower. As the injury level, caused by price under-

cutting, is higher than the dumping margin of the producers included in the sample, the duty should be based on the latter, i.e. the single weighted average dumping margin of the producers included in the sample.

- (67) A period should be fixed within which the parties known to be concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of bicycles and other cycles (including delivery tricycles), not motorized falling within CN code 8712 00, originating in the People's Republic of China.
2. The rate of the duty, applicable to the net free-at-Community-frontier price, before duty, shall be 34,4 %.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 5 March 1993.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION REGULATION (EEC) No 551/93

of 10 March 1993

opening a standing invitation to tender for the supply to Lithuania of 25 000 tonnes of bread-making rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 2335/92 of 7 August 1992 on an emergency measure to supply food products to the populations of Estonia, Latvia and Lithuania ⁽¹⁾,

On the terms laid down in Regulation (EEC) No 2388/92, the German intervention agency shall open a standing invitation to tender for the supply to Lithuania of bread-making rye held by the said agency.

Article 2

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

1. The invitation to tender shall cover 25 000 tonnes of bread-making rye in bulk to be supplied cif (ex-ship), to the Lithuanian port of Klaipeda.

Whereas Commission Regulation (EEC) No 2388/92 ⁽⁴⁾, provides that contracts for the supply of cereals under Regulation (EEC) No 2335/92 are to be allocated by invitation to tender;

2. The regions in which the 25 000 tonnes of bread-making rye are stored are stated in Annex I to this Regulation.

Article 3

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays down in particular quality criteria for bread-making rye accepted for intervention;

1. Tenders may relate only to the entire lot of 25 000 tonnes specified in the notice of invitation to tender provided for in Article 14 of Regulation (EEC) No 2388/92 in accordance with the delivery specifications in Annex IV hereto.

Whereas a standing invitation to tender should be opened for the supply of an instalment of bread-making rye held by the German intervention agency;

2. Notwithstanding Article 11 (3) of Regulation (EEC) No 2388/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; that therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

3. The part of the security, referred to in Article 8 of Regulation (EEC) No 2388/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the other sectors, shall also be forfeit.

Whereas staggered delivery of lots imposes additional burdens on the recipients and is a hindrance as regards other deliveries; whereas a specific penalty of ECU 2 per tonne should be imposed, without prejudice to the provisions on security of Article 8 of Regulation (EEC) No 2388/92;

4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator

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

Article 4

⁽¹⁾ OJ No L 227, 11. 8. 1992, p. 2.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 233, 15. 8. 1992, p. 6.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a.m., Brussels time, on 18 March 1993.

2. The time limit for the submission of tenders in response to the last partial invitation to tender shall be 11 a.m., Brussels time, on 1993.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the German intervention agency.

The German intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Lithuanian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the German intervention agency.

2. The successful tenderer shall regularly inform the Lithuania authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 51 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	25 000

ANNEX II

Standing invitation to tender for the supply to Lithuania of 25 000 tonnes of bread-making rye held by the German intervention agency

(Regulation (EEC) No 551/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

*ANNEX III***SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned :
(surname and first name, or business name)

acting on behalf of the Lithuanian Government, hereby certify that the goods mentioned below have been taken over :

— Name of vessel :

— Place and date of taking-over :

— Product :

— Tonnage taken over :

Remarks or reservations :

.....

.....

*ANNEX IV***Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Lithuanian port of Klaipeda.

One lot of 25 000 tonnes which, at the successful tenderer's choice, may be :

- either one shipment of 25 000 tonnes : to arrive between 10 and 12 May 1993,
- or a maximum of two shipments :
 - 12 500 tonnes : to arrive between 10 and 12 May 1993,
 - 12 500 tonnes : to arrive between 17 and 19 May 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the date laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Klaipeda.

COMMISSION REGULATION (EEC) No 552/93

of 10 March 1993

opening a standing invitation to tender for the supply to Lithuania of 12 500 tonnes of bread-making common wheat held by the German intervention agency

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 2335/92 of 7 August 1992 on an emergency measure to supply food products to the populations of Estonia, Latvia and Lithuania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2388/92 ⁽⁴⁾, provides that contracts for the supply of cereals under Regulation (EEC) No 2335/92 are to be allocated by invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays down in particular quality criteria for bread-making common wheat accepted for intervention;

Whereas a standing invitation to tender should be opened for the supply of an instalment of bread-making common wheat held by the German intervention agency;

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; that therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

Whereas staggered delivery of lots imposes additional burdens on the recipients and is a hindrance as regards other deliveries; whereas a specific penalty of ECU 2 per tonne should be imposed, without prejudice to the provisions on security of Article 8 of Regulation (EEC) No 2388/92;

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

Article 1

On the terms laid down in Regulation (EEC) No 2388/92, the German intervention agency shall open a standing invitation to tender for the supply to Lithuania of bread-making common wheat held by the said agency.

Article 2

1. The invitation to tender shall cover 12 500 tonnes of bread-making common wheat in bulk to be supplied cif (ex-ship), to the Lithuanian port of Klaipeda.

2. The regions in which the 12 500 tonnes of bread-making common wheat are stored are stated in Annex I to this Regulation.

Article 3

1. Tenders may relate only to the entire lot of 12 500 tonnes specified in the notice of invitation to tender provided for in Article 14 of Regulation (EEC) No 2388/92 in accordance with the delivery specifications in Annex IV hereto.

2. Notwithstanding Article 11 (3) of Regulation (EEC) No 2388/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

3. The part of the security, referred to in Article 8 of Regulation (EEC) No 2388/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the other sectors, shall also be forfeit.

4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator

Article 4

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a.m., Brussels time, on 18 March 1993.

2. The time limit for the submission of tenders in response to the last partial invitation to tender shall be 11 a.m., Brussels time, on 1 April 1993.

⁽¹⁾ OJ No L 227, 11. 8. 1992, p. 2.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 233, 15. 8. 1992, p. 6.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the German intervention agency.

The German intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Lithuanian authorities with the documents required

for supply purposes as specified in the notice of invitation to tender drawn up by the German intervention agency.

2. The successful tenderer shall regularly inform the Lithuanian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 52 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen	12 500

ANNEX II

Standing invitation to tender for the supply to Lithuania of 12 500 tonnes of bread-making wheat held by the German intervention agency

(Regulation (EEC) No 552/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

*ANNEX III***SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned:
(surname and first name, or business name)

acting on behalf of the Lithuanian Government, hereby certify that the goods mentioned below have been taken over:

— Name of vessel:

— Place and date of taking-over:

— Product:

— Tonnage taken over:

Remarks or reservations:

.....

.....

*ANNEX IV***Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Lithuanian port of Klaipeda.

One lot of 12 500 tonnes which, at the successful tenderer's choice, may be:

- either one shipment of 12 500 tonnes: to arrive between 29 and 31 May 1993,
- or a maximum of two shipments:
 - 6 250 tonnes: to arrive between 29 and 31 May 1993,
 - 6 250 tonnes: to arrive between 5 and 7 June 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the date laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Klaipeda.

COMMISSION REGULATION (EEC) No 553/93

of 10 March 1993

opening a standing invitation to tender for the supply to Lithuania of 27 500 tonnes of bread-making common wheat held by the French intervention agency

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 2335/92 of 7 August 1992 on an emergency measure to supply food products to the populations of Estonia, Latvia and Lithuania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2388/92 ⁽⁴⁾, provides that contracts for the supply of cereals under Regulation (EEC) No 2335/92 are to be allocated by invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays down in particular quality criteria for bread-making common wheat accepted for intervention;

Whereas a standing invitation to tender should be opened for the supply of an instalment of bread-making common wheat held by the French intervention agency;

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; that therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

Whereas staggered delivery of lots imposes additional burdens on the recipients and is a hindrance as regards other deliveries; whereas a specific penalty of ECU 2 per tonne should be imposed, without prejudice to the provisions on security of Article 8 of Regulation (EEC) No 2388/92;

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

Article 1

On the terms laid down in Regulation (EEC) No 2388/92, the French intervention agency shall open a standing invitation to tender for the supply to Lithuania of bread-making common wheat held by the said agency.

Article 2

1. The invitation to tender shall cover 27 500 tonnes of bread-making common wheat in bulk to be supplied cif (ex-ship), to the Lithuanian port of Klaipeda.
2. The regions in which the 27 500 tonnes of bread-making common wheat are stored are stated in Annex I to this Regulation.

Article 3

1. Tenders may relate only to the entire lot of 27 500 tonnes specified in the notice of invitation to tender provided for in Article 14 of Regulation (EEC) No 2388/92 in accordance with the delivery specifications in Annex IV hereto.
2. Notwithstanding Article 11 (3) of Regulation (EEC) No 2388/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.
3. The part of the security, referred to in Article 8 of Regulation (EEC) No 2388/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the other sectors, shall also be forfeit.
4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator.

Article 4

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a.m., Brussels time, on 18 March 1993.
2. The time limit for the submission of tenders in response to the last partial invitation to tender shall be 11 a.m., Brussels time, on 1 April 1993.

⁽¹⁾ OJ No L 227, 11. 8. 1992, p. 2.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 233, 15. 8. 1992, p. 6.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the French intervention agency.

The French intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Lithuanian authorities with the documents required

for supply purposes as specified in the notice of invitation to tender drawn up by the French intervention agency.

2. The successful tenderer shall regularly inform the Lithuanian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 52 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Rouen	27 500

ANNEX II

Standing invitation to tender for the supply to Lithuania of 27 500 tonnes of bread-making wheat held by the French intervention agency

(Regulation (EEC) No 553/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

*ANNEX III***SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned:
(surname and first name, or business name)

acting on behalf of the Lithuanian Government, hereby certify that the goods mentioned below have been taken over:

— Name of vessel:

— Place and date of taking-over:

— Product:

— Tonnage taken over:

Remarks or reservations:

.....

.....

*ANNEX IV***Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Lithuanian port of Klaipeda.

One lot of 27 500 tonnes which, at the successful tenderer's choice, may be:

- either one shipment of 27 500 tonnes: to arrive between 19 and 21 April 1993,
- or a maximum of two shipments:
 - 13 750 tonnes: to arrive between 19 and 21 April 1993,
 - 13 750 tonnes: to arrive between 26 and 28 April 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the date laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Klaipeda.

COMMISSION REGULATION (EEC) No 554/93
of 10 March 1993

**opening a standing invitation to tender for the supply to Latvia of 12 500 tonnes
of bread-making rye held by the German intervention agency**

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 2335/92 of 7 August 1992 on an emergency measure to supply food products to the populations of Estonia, Latvia and Lithuania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2388/92 ⁽⁴⁾, provides that contracts for the supply of cereals under Regulation (EEC) No 2335/92 are to be allocated by invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays down in particular quality criteria for bread-making rye accepted for intervention;

Whereas a standing invitation to tender should be opened for the supply of an instalment of bread-making rye held by the German intervention agency;

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; that therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

Whereas staggered delivery of lots imposes additional burdens on the recipients and is a hindrance as regards other deliveries; whereas a specific penalty of ECU 2 per tonne should be imposed, without prejudice to the provisions on security of Article 8 of Regulation (EEC) No 2388/92;

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

Article 1

On the terms laid down in Regulation (EEC) No 2388/92, the German intervention agency shall open a standing invitation to tender for the supply to Latvia of bread-making rye held by the said agency.

Article 2

1. The invitation to tender shall cover 12 500 tonnes of bread-making rye in bulk to be supplied cif (ex-ship), to the Latvian port of Riga.

2. The regions in which the 12 500 tonnes of bread-making rye are stored are stated in Annex I to this Regulation.

Article 3

1. Tenders may relate only to the entire lot of 12 500 tonnes specified in the notice of invitation to tender provided for in Article 14 of Regulation (EEC) No 2388/92 in accordance with the delivery specifications in Annex IV hereto.

2. Notwithstanding Article 11 (3) of Regulation (EEC) No 2388/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

3. The part of the security, referred to in Article 8 of Regulation (EEC) No 2388/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the other sectors, shall also be forfeit.

4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator

Article 4

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a.m., Brussels time, on 18 March 1993.

2. The time limit for the submission of tenders in response to the last partial invitation to tender shall be 11 a.m., Brussels time, on 1 April 1993.

⁽¹⁾ OJ No L 227, 11. 8. 1992, p. 2.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 233, 15. 8. 1992, p. 6.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the German intervention agency.

The German intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Latvian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the German intervention agency.

2. The successful tenderer shall regularly inform the Latvian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 51 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

*ANNEX I**(tonnes)*

Place of storage	Quantity
Bremen/Niedersachsen	12 500

ANNEX II

Standing invitation to tender for the supply to Latvia of 12 500 tonnes of bread-making rye held by the German intervention agency

(Regulation (EEC) No 554/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

*ANNEX III***SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned :
(surname and first name, or business name)

acting on behalf of the Latvian Government, hereby certify that the goods mentioned below have been taken over :

— Name of vessel :

— Place and date of taking-over :

— Product :

— Tonnage taken over :

Remarks or reservations :
.....
.....

*ANNEX IV***Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Latvian port of Riga.

One lot of 12 500 tonnes which, at the successful tenderer's choice, may be :

- either one shipment of 12 500 tonnes : to arrive between 19 and 21 April 1993,
- or a maximum of two shipments :
 - 6 250 tonnes : to arrive between 19 and 21 April 1993,
 - 6 250 tonnes : to arrive between 26 and 28 April 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the date laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Riga.

COMMISSION REGULATION (EEC) No 555/93

of 10 March 1993

opening a standing invitation to tender for the supply to Latvia of 20 000 tonnes
of bread-making common wheat held by the French intervention agency

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 2335/92
of 7 August 1992 on an emergency measure to supply
food products to the populations of Estonia, Latvia and
Lithuania⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽²⁾, as last amended by Regulation (EEC)
No 1738/92⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2388/92⁽⁴⁾,
provides that contracts for the supply of cereals under
Regulation (EEC) No 2335/92 are to be allocated by
invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77⁽⁵⁾,
as last amended by Regulation (EEC) No 606/92⁽⁶⁾, lays
down in particular quality criteria for bread-making
common wheat accepted for intervention;

Whereas a standing invitation to tender should be opened
for the supply of an instalment of bread-making common
wheat held by the French intervention agency;

Whereas experience has shown the need to be sure that
the scheduling of deliveries is respected; that therefore an
amount should be deducted from the performance
guarantee in certain cases of delayed deliveries;

Whereas staggered delivery of lots imposes additional
burdens on the recipients and is a hindrance as regards
other deliveries; whereas a specific penalty of ECU 2 per
tonne should be imposed, without prejudice to the
provisions on security of Article 8 of Regulation (EEC)
No 2388/92;

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

⁽¹⁾ OJ No L 227, 11. 8. 1992, p. 2.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 233, 15. 8. 1992, p. 6.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

Article 1

On the terms laid down in Regulation (EEC) No 2388/92,
the French intervention agency shall open a standing
invitation to tender for the supply to Latvia of bread-
making common wheat held by the said agency.

Article 2

1. The invitation to tender shall cover 20 000 tonnes of
bread-making common wheat in bulk to be supplied cif
(ex-ship), to the Latvian port of Riga.
2. The regions in which the 20 000 tonnes of bread-
making common wheat are stored are stated in Annex I
to this Regulation.

Article 3

1. Tenders may relate only to the entire lot of 20 000
tonnes specified in the notice of invitation to tender
provided for in Article 14 of Regulation (EEC) No
2388/92 in accordance with the delivery specifications in
Annex IV hereto.
2. Notwithstanding Article 11 (3) of Regulation (EEC)
No 2388/92 when delivery delays occur, for each day of
delay 0,05 % of the security specified in Article 8 of that
Regulation shall be forfeit in respect of the quantities
delivered late. If such delays exceed a period of five days,
the percentage forfeit shall amount to 0,1 % for each day
of delay.
3. The part of the security, referred to in Article 8 of
Regulation (EEC) No 2388/92, corresponding to any
additional costs incurred by the Community, pursuant to
Article 9 (2) of that Regulation or to the corresponding
Articles relating to the other sectors, shall also be forfeit.
4. The provisions of the preceding paragraphs shall
apply where delivery delay is attributable to the operator.

Article 4

1. The time limit for the submission of tenders in
response to the first partial invitation to tender shall be
11 a. m., Brussels time, on 18 March 1993.
2. The time limit for the submission of tenders in
response to the last partial invitation to tender shall be
11 a. m., Brussels time, on 1 April 1993.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the French intervention agency.

The French intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Latvian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the French intervention agency.

2. The successful tenderer shall regularly inform the Latvian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 52 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Rouen/Caen	20 000

ANNEX II

Standing invitation to tender for the supply to Latvia of 20 000 tonnes of bread-making wheat held by the French intervention agency

(Regulation (EEC) No 555/93]

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

*ANNEX III***SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned:

(surname and first name, or business name)

acting on behalf of the Latvian Government, hereby certify that the goods mentioned below have been taken over:

— Name of vessel:

— Place and date of taking-over:

— Product:

— Tonnage taken over:

Remarks or reservations:

.....

.....

*ANNEX IV***Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Latvian port of Riga.

One lot of 20 000 tonnes which, at the successful tenderer's choice, may be:

— either one shipment of 20 000 tonnes: to arrive between 3 and 5 May 1993,

— or a maximum of two shipments:

— 10 000 tonnes: to arrive between 3 and 5 May 1993,

— 10 000 tonnes: to arrive between 10 and 12 May 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the date laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Riga.

COMMISSION REGULATION (EEC) No 556/93
of 10 March 1993

**opening a standing invitation to tender for the supply to Estonia of 12 500 tonnes
of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 2335/92 of 7 August 1992 on an emergency measure to supply food products to the populations of Estonia, Latvia and Lithuania (⁽¹⁾),

On the terms laid down in Regulation (EEC) No 2388/92, the German intervention agency shall open a standing invitation to tender for the supply to Estonia of barley held by the said agency.

Article 2

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (⁽²⁾), as last amended by Regulation (EEC) No 1738/92 (⁽³⁾), and in particular Article 7 (6) thereof,

1. The invitation to tender shall cover 12 500 tonnes of barley in bulk to be supplied cif (ex-ship), to the Estonian port of Tallinn.

Whereas Commission Regulation (EEC) No 2388/92 (⁽⁴⁾), provides that contracts for the supply of cereals under Regulation (EEC) No 2335/92 are to be allocated by invitation to tender;

2. The regions in which the 12 500 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

Whereas Commission Regulation (EEC) No 1570/77 (⁽⁵⁾), as last amended by Regulation (EEC) No 606/92 (⁽⁶⁾), lays down in particular quality criteria for barley accepted for intervention;

1. Tenders may relate only to the entire lot of 12 500 tonnes specified in the notice of invitation to tender provided for in Article 14 of Regulation (EEC) No 2388/92 in accordance with the delivery specifications in Annex IV hereto.

Whereas a standing invitation to tender should be opened for the supply of an instalment of barley held by the German intervention agency;

2. Notwithstanding Article 11 (3) of Regulation (EEC) No 2388/92 when delivery delays occur, for each day of delay 0,05 % of the security specified in Article 8 of that Regulation shall be forfeit in respect of the quantities delivered late. If such delays exceed a period of five days, the percentage forfeit shall amount to 0,1 % for each day of delay.

Whereas experience has shown the need to be sure that the scheduling of deliveries is respected; whereas therefore an amount should be deducted from the performance guarantee in certain cases of delayed deliveries;

3. The part of the security, referred to in Article 8 of Regulation (EEC) No 2388/92, corresponding to any additional costs incurred by the Community, pursuant to Article 9 (2) of that Regulation or to the corresponding Articles relating to the sectors, shall also be forfeit.

Whereas staggered delivery of lots imposes additional burdens on the recipients and is a hindrance as regards other deliveries; whereas a specific penalty of ECU 2 per tonne should be imposed, without prejudice to the provisions on security of Article 8 of Regulation (EEC) No 2388/92;

4. The provisions of the preceding paragraphs shall apply where delivery delay is attributable to the operator.

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

Article 4

(⁽¹⁾) OJ No L 227, 11. 8. 1992, p. 2.

(⁽²⁾) OJ No L 281, 1. 11. 1975, p. 1.

(⁽³⁾) OJ No L 180, 1. 7. 1992, p. 1.

(⁽⁴⁾) OJ No L 233, 15. 8. 1992, p. 6.

(⁽⁵⁾) OJ No L 174, 14. 7. 1977, p. 18.

(⁽⁶⁾) OJ No L 65, 11. 3. 1992, p. 25.

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall be 11 a.m., Brussels time, 18 March 1993.

2. The time limit for the submission of tenders in response to the last partial invitation to tender shall be 11 a.m., Brussels time, 1 April 1993.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the German intervention agency.

The German intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Estonian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the German intervention agency.

2. The successful tenderer shall regularly inform the Estonian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 51 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Hamburg/Niedersachsen	12 500

ANNEX II

Standing invitation to tender for the supply to Estonia of 12 500 tonnes of barley held by the German intervention agency

(Regulation (EEC) No 556/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

ANNEX III**SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned :
(surname and first name, or business name)

acting on behalf of the Estonian Government, hereby certify that the goods mentioned below have been taken over :

— Name of vessel :

— Place and date of taking-over :

— Product :

— Tonnage taken over :

Remarks or reservations :

.....

.....

ANNEX IV**Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Estonian port of Tallinn.

One lot of 12 500 tonnes which, at the successful tenderers choice, may be :

- either one shipment of 12 500 tonnes : to arrive between 19 and 21 April 1993,
- or a maximum of two shipments :
 - 6 250 tonnes : to arrive between 19 and 21 April 1993,
 - 6 250 tonnes : to arrive between 26 and 28 April 1993.

An individual lot must be delivered as a simple consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the dates laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Tallinn.

COMMISSION REGULATION (EEC) No 557/93

of 10 March 1993

opening a standing invitation to tender for the supply to Estonia of 15 000 tonnes
of bread-making common wheat held by the Danish intervention agency

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 2335/92
of 7 August 1992 on an emergency measure to supply
food products to the populations of Estonia, Latvia and
Lithuania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽²⁾, as last amended by Regulation (EEC)
No 1738/92 ⁽³⁾, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2388/92 ⁽⁴⁾,
provides that contracts for the supply of cereals under
Regulation (EEC) No 2335/92 are to be allocated by
invitation to tender;

Whereas Commission Regulation (EEC) No 1570/77 ⁽⁵⁾,
as last amended by Regulation (EEC) No 606/92 ⁽⁶⁾, lays
down in particular quality criteria for bread-making
common wheat accepted for intervention;

Whereas a standing invitation to tender should be opened
for the supply of an instalment of bread-making common
wheat held by the Danish intervention agency;

Whereas experience has shown the need to be sure that
the scheduling of deliveries is respected; that therefore an
amount should be deducted from the performance
guarantee in certain cases of delayed deliveries;

Whereas staggered delivery of lots imposes additional
burdens on the recipients and is a hindrance as regards
other deliveries; whereas a specific penalty of ECU 2 per
tonne should be imposed, without prejudice to the
provisions on security of Article 8 of Regulation (EEC)
No 2388/92;

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

Article 1

On the terms laid down in Regulation (EEC) No 2388/92,
the Danish intervention agency shall open a standing
invitation to tender for the supply to Estonia of bread-
making common wheat held by the said agency.

Article 2

1. The invitation to tender shall cover 15 000 tonnes of
bread-making common wheat in bulk to be supplied cif
(ex-ship), to the Estonian port of Tallinn.

2. The regions in which the 15 000 tonnes of bread-
making common wheat are stored are stated in Annex I
to this Regulation.

Article 3

1. Tenders may relate only to the entire lot of 15 000
tonnes specified in the notice of invitation to tender
provided for in Article 14 of Regulation (EEC) No
2388/92 in accordance with the delivery specifications in
Annex IV hereto.

2. Notwithstanding Article 11 (3) of Regulation (EEC)
No 2388/92 when delivery delays occur, for each day of
delay 0,05 % of the security specified in Article 8 of that
Regulation shall be forfeit in respect of the quantities
delivered late. If such delays exceed a period of five days,
the percentage forfeit shall amount to 0,1 % for each day
of delay.

3. The part of the security, referred to in Article 8 of
Regulation (EEC) No 2388/92, corresponding to any
additional costs incurred by the Community, pursuant to
Article 9 (2) of that Regulation or to the corresponding
Articles relating to the other sectors, shall also be forfeit.

4. The provisions of the preceding paragraphs shall
apply where delivery delay is attributable to the operator

Article 4

1. The time limit for the submission of tenders in
response to the first partial invitation to tender shall be
11 a.m., Brussels time, on 18 March 1993.

2. The time limit for the submission of tenders in
response to the last partial invitation to tender shall be
11 a.m., Brussels time, on 1 April 1993.

⁽¹⁾ OJ No L 227, 11. 8. 1992, p. 2.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 233, 15. 8. 1992, p. 6.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁶⁾ OJ No L 65, 11. 3. 1992, p. 25.

3. Notwithstanding Article 14 of Commission Regulation (EEC) No 2388/92, the intervention agency concerned shall publish an invitation to tender at least three days before the date laid down for the first partial invitation to tender.

Article 5

Tenders must be submitted to the Danish intervention agency.

The Danish intervention agency shall forward tenders to the Commission in accordance with the model in Annex II hereto.

Article 6

The taking-over certificate referred to in Article 9 (3) of Regulation (EEC) No 2388/92 shall take the form shown in Annex III.

Certificates shall be issued after unloading of the goods.

Article 7

1. The successful tenderer shall undertake to provide the Estonian authorities with the documents required for supply purposes as specified in the notice of invitation to tender drawn up by the Danish intervention agency.

2. The successful tenderer shall regularly inform the Estonian authorities, the intervention agency holding the products involved and the Commission of the progress of the supply operation as far as the takeover stage.

Article 8

The Member States concerned shall take all appropriate measures to ensure that no refund is applied within the framework of the supply, in particular by specifying this on the export licence.

Article 9

For the purposes of entering EAGGF expenditure in the accounts, the book value of the product referred to in Article 1 is hereby fixed at ECU 52 per tonne.

Article 10

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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Sjælland	15 000

ANNEX II

Standing invitation to tender for the supply to Estonia of 15 000 tonnes of bread-making wheat held by the Danish intervention agency

(Regulation (EEC) No 557/93)

Tenderer number	Quantity (tonnes)	Supply cost applied for (ECU/tonne)
1	2	3
1		
2		
3		
4		
etc.		

*ANNEX III***SUPPLY BY SEA****TAKING-OVER CERTIFICATE**

I, the undersigned:

(surname and first name, or business name)

acting on behalf of the Estonian Government, hereby certify that the goods mentioned below have been taken over:

— Name of vessel:

— Place and date of taking-over:

— Product:

— Tonnage taken over:

Remarks or reservations:

.....

.....

*ANNEX IV***Delivery specifications**

Delivery in bulk, cif (ex-ship) to the Estonian port of Tallinn.

One lot of 15 000 tonnes which, at the successful tenderer's choice may be:

— either one shipment of 15 000 tonnes: to arrive between 3 and 5 May 1993,

— or a maximum of two shipments:

— 7 500 tonnes: to arrive between 3 and 5 May 1993,

— 7 500 tonnes: to arrive between 10 and 12 May 1993.

An individual lot must be delivered as a single consignment at the port of destination. If this requirement is not met the intervention agency of the Member State concerned shall impose a penalty of ECU 2 per tonne.

The deliveries may take place before the date laid down on the initiative of the successful tenderer and under his responsibility if the necessary conditions are met for unloading and removal in the port of Tallinn.

COMMISSION REGULATION (EEC) No 558/93

of 10 March 1993

on the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables, repealing Regulation (EEC) No 543/86 and amending Annex I to Council Regulation (EEC) No 2658/87

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

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1569/92 ⁽²⁾, and in particular Articles 10 (1) and 17 (1) thereof,

Whereas Article 10 (7) of Regulation (EEC) No 426/86 provides that 'added sugars content' for the products listed in Annex III means the reading obtained by using a refractometer, multiplied by a specific factor and reduced by a fixed figure;

Whereas the refractometry method to be applied is defined in Commission Regulation (EEC) No 543/86 ⁽³⁾, laying down methods of measuring sugar processed from fruit and vegetables; whereas it has proved necessary to make the appropriate amendments to this method, in particular in order to specify the procedure for alcoholic products; whereas the introduction of the new method laid down in this Regulation makes it necessary to repeal Regulation (EEC) No 543/86;

Whereas the repeal of Regulation (EEC) No 543/86 makes it necessary to adapt Annex 1 to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁴⁾, as last amended by Commission Regulation (EEC) No 3800/92 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The refractometry method to be used for determining the sugar content for the products listed in Annex III to Regulation (EEC) No 426/86 shall be as set out in the Annex hereto.

Article 2

Regulation (EEC) No 543/86 is hereby repealed.

Article 3

Annex I to Regulation (EEC) No 2658/87 is hereby amended as follows: the references to Regulation (EEC) No 543/86 in Additional Note No 1 in Chapter 8 and in Additional Notes Nos 2 and 6 in Chapter 20 are replaced by references to this Regulation.

Article 4

This Regulation shall enter into force on the 21st 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, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 166, 20. 6. 1992, p. 5.

⁽³⁾ OJ No L 55, 1. 3. 1986, p. 41.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 384, 30. 12. 1992, p. 8.

ANNEX

METHOD OF MEASURING DRY SOLUBLE RESIDUE IN PRODUCTS PROCESSED FROM FRUIT AND VEGETABLES BY REFRACTOMETRY**I. Field of application**

Application of this method is related to the quantity of sugar present in the product analysed. The presence of amino acids, salts of organic acids, inorganic salts, fat, flavonoids and alcohol alters the refractive index.

II. Definition

Dry soluble residue content (determined by refractometry) means the percentage weight of sucrose in an aqueous solution of sucrose which, under given conditions, has the same refractive index as the product analysed. The product's dry soluble residue content is expressed in grams per 100 grams (g/100 g).

III. Principle

Deduction of the dry soluble residue content of a product from its refractive index.

IV. Apparatus

Abbe-type refractometer

This apparatus must enable the percentage weight of sucrose to be determined to the nearest $\pm 0,1$ %.

The refractometer must have a thermometer with a scale extending at least from $+ 15^{\circ}\text{C}$ to $+ 25^{\circ}\text{C}$. It must also have a water circulator enabling the temperature to be adjusted with an accuracy of $\pm 0,5^{\circ}\text{C}$.

Operating instructions for this apparatus, and in particular those dealing with calibration and light source, must be strictly followed.

V. Method**1. Preparation of sample****1.1. Liquid products**

Mix carefully and proceed to determination.

1.2. Semi-dense products, purées, fruit juices with matter in suspension

Carefully mix an average laboratory sample and then homogenize. Strain part of the sample through dry gauze folded in four, remove the first drops and proceed to determination on the filtrate.

1.3. Dense products (jams and jellies)

If the previously homogenized product cannot be used directly, weigh 40 g of the product to the nearest 0,01 g in a 250 ml beaker and add 100 ml of distilled water.

Boil gently for two or three minutes, stirring with a glass rod.

Cool, pour the contents of the beaker into an appropriate tared vessel using distilled water as a flushing liquid, add distilled water so as to obtain about 200 g of product, weigh it to the nearest 0,01 g, and mix the solution thoroughly.

Allow to stand for 20 minutes, then strain through a folded filter or a Büchner funnel.

Make determination on the filtrate.

1.4. Frozen products

Defrost and remove stones or pips and cores. Mix the product with the liquid formed during defrosting and proceed as in 1.2 or 1.3.

1.5. Dry products or products containing whole fruit or pieces of fruit

Cut the laboratory sample — or part of it — into small pieces, remove stones or pips and cores and mix carefully.

Weigh 10 to 20 g of the product to the nearest 0,01 g in a beaker.

Add distilled water corresponding to five times the weight of the product. Heat in a water bath for 30 minutes stirring occasionally with a glass rod. When cool, continue as described in 1.3.

1.6. Products containing alcohol

Weigh about 100 g of sample to the nearest 0,01 g into a tared beaker. Place the beaker in a bath of boiled water for 30 minutes, stirring occasionally with a glass rod, and add distilled water if necessary.

Where the alcohol content exceeds about 5 % mass add more distilled water and heat again in the water bath for 45 minutes.

After cooling weigh the final contents of the vessel, filter if necessary, and continue with the determination.

2. Determination

Bring the sample to the measurement temperature by immersing the container in a water bath at the required temperature.

Place a small sample on the lower prism of the refractometer, taking care to ensure that the sample covers the glass surface uniformly when the prisms are pressed against each other. Measure in accordance with the operating instructions for the apparatus used.

Read the percentage weight of sucrose to the nearest 0,1 %.

Make at least two determinations on the same prepared sample.

VI. Expression of results

Calculation and formulation

The dry soluble residue content, conventionally expressed in grams of sucrose per 100 grams of product, is calculated as follows. The percentage sucrose content indicated by refractometry is used directly. If the reading is made at a temperature other than + 20 °C, correct as indicated in the attached table.

If measurement has been made on a dilute solution, the dry soluble residue content (M) is calculated using the following formula :

$$M = M' \times \frac{100}{E}$$

M' being the weight (in grams) of dry soluble residue per 100 g of product indicated by the refractometer and E the weight (in grams) of product per 100 g of solution.

Corrections when determination is made at a temperature other than 20 °C

Temperature °C	Sucrose in grams per 100 grams of product									
	5	10	15	20	30	40	50	60	70	75
Subtract										
15	0,25	0,27	0,31	0,31	0,34	0,35	0,36	0,37	0,36	0,36
16	0,21	0,23	0,27	0,27	0,29	0,31	0,31	0,32	0,31	0,23
17	0,16	0,18	0,20	0,20	0,22	0,23	0,23	0,23	0,20	0,17
18	0,11	0,12	0,14	0,15	0,16	0,16	0,15	0,12	0,12	0,09
19	0,06	0,07	0,08	0,08	0,08	0,09	0,09	0,08	0,07	0,05
Add										
21	0,06	0,07	0,07	0,07	0,07	0,07	0,07	0,07	0,07	0,07
22	0,12	0,14	0,14	0,14	0,14	0,14	0,14	0,14	0,14	0,14
23	0,18	0,20	0,20	0,21	0,21	0,21	0,21	0,22	0,22	0,22
24	0,24	0,26	0,26	0,27	0,28	0,28	0,28	0,28	0,29	0,29
25	0,30	0,32	0,32	0,34	0,36	0,36	0,36	0,36	0,36	0,37

The temperature may not vary by more than $\pm 5^{\circ}\text{C}$ from 20 °C.

COMMISSION REGULATION (EEC) No 559/93**of 10 March 1993****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 3814/92 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 93/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 498/93 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 93/93 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, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 9 March 1993 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,32 per 100 kilograms.

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 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 13, 21. 1. 1993, p. 8.

⁽⁵⁾ OJ No L 52, 4. 3. 1993, p. 17.

COMMISSION REGULATION (EEC) No 560/93

of 10 March 1993

fixing the maximum export refund for white sugar for the 44th 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 3814/92⁽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⁾, as last amended by Regulation (EEC) No 31/93⁽⁴⁾, 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 44th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92⁽⁵⁾, as last amended by Regulation (EEC) No 3534/92⁽⁶⁾, 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 44th 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 40,080 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 Regulation (EEC) No 1432/92.

Article 2

This Regulation shall enter into force on 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 18.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 358, 8. 12. 1992, p. 16.

COMMISSION REGULATION (EEC) No 561/93**of 10 March 1993****fixing the maximum export refunds on olive oil for the eighth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3143/92**

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⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾,

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

Whereas Commission Regulation (EEC) No 3143/92⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 1432/92⁽⁵⁾, as last amended by Regulation (EEC) No 3534/92⁽⁶⁾, 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 3143/92 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 eighth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3143/92 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 March 1993.

Article 2

This Regulation shall enter into force on 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 313, 30. 10. 1992, p. 39.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 358, 8. 12. 1992, p. 16.

ANNEX

to the Commission Regulation of 10 March 1993 fixing the maximum export refunds on olive oil for the eighth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3143/92

<i>(ECU/100 kg)</i>	
Product code	Amount of refund (1)
1509 10 90 100	38,85
1509 10 90 900	63,00
1509 90 00 100	48,90
1509 90 00 900	76,00
1510 00 90 100	8,45
1510 00 90 900	38,00

(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 amended Regulation (EEC) No 1432/92.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EEC) No 252/93 (OJ No L 28, 5. 2. 1993, p. 48).

COMMISSION REGULATION (EEC) No 562/93**of 10 March 1993****fixing the import levies on white sugar and raw sugar**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 29/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 541/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 29/93 to the information known to the Commission that the levies

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 9 March 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 14.

⁽⁵⁾ OJ No L 57, 10. 3. 1993, p. 24.

ANNEX

to the Commission Regulation of 10 March 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,38 ⁽¹⁾
1701 11 90	37,38 ⁽¹⁾
1701 12 10	37,38 ⁽¹⁾
1701 12 90	37,38 ⁽¹⁾
1701 91 00	44,07
1701 99 10	44,07
1701 99 90	44,07 ⁽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 563/93**of 10 March 1993****temporarily suspending the advance fixing of export refunds on 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 3714/92 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2779/75 of 29 October 1975 laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds ⁽³⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the refunds for poultrymeat products were fixed by Commission Regulation (EEC) No 3844/92 ⁽⁴⁾;

Whereas consideration of the situation on the market in poultrymeat reveals the existence of a number of problems arising from the application of the provisions

concerning the advance fixing of the refund; whereas applications are, for speculative purposes, being submitted for the advance fixing of the refund as a result; whereas the advance fixing of refunds should therefore be suspended immediately, with no action being taken on applications already lodged but not yet dealt with,

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of export refunds for the products referred to in Article 1 of Regulation (EEC) No 2777/75 is suspended for the period 11 to 15 March 1993.

Article 2

This Regulation shall enter into force on 11 March 1993.

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

Done at Brussels, 10 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 24.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 December 1992

concerning the authorization of financial measures by the Federal Republic of Germany in respect of the coal industry in 1993

(only the German text is authentic)

(93/147/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾, and in particular Articles 2 (1) and 10 thereof,

Whereas :

I

In a letter dated 9 December 1992 the German Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of a compensatory amount it proposes to grant under the third Electricity-from-coal Law for 1993, and also of proposed compensation between mining areas (*Revierausgleich*) and compensation for coal with a low volatile-matter content (*Ausgleich für niederflüchtige Kohle*) for 1993.

According to information provided by the German Government, the aid amounts to :

- compensation-fund revenue totalling DM 5 100 million for 1993, corresponding to a 7,5 % *Kohlepfennig* levy, of which DM 5 000 million are for current expenditure in 1993,
- DM 271,5 million for 1993, consisting of DM 197,6 million as compensation between mining areas and

DM 73,9 million as compensation for coal with a low volatile-matter content.

II

The aim of the compensation fund (*Ausgleichsfonds*) under the third Electricity-from-coal Law is partially to offset the price differential, in respect of 11,5 million tonnes of coal equivalent (tce), between Community coal and imported coal and, as to 23 million tce, the differential between Community coal and fuel oil.

This scheme therefore covers an annual volume of around 34,5 million tce of Community coal.

It is a measure relating to the marketing of coal which, even if it is not a direct burden on public budgets, is nevertheless financed by charges rendered compulsory by the fact of State intervention.

In addition this scheme confers an economic advantage on coal undertakings. It therefore constitutes indirect aid to the coal industry within the meaning of Article 1 (1) of Decision No 2064/86/ECSC. The Commission must therefore deliver an opinion on the scheme pursuant to Article 10 (2) of that Decision.

The financial measures relating to compensation between mining areas and for coal with a low volatile-matter content are intended to partially cover the reduced revenue realized by several coal undertakings in the Federal Republic of Germany in certain sales of coal to thermal power stations. According to information provided by the German Government the compensation

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

between mining areas covers a volume of around 9,3 million tce, while the compensation for the use of coal with a low volatile-matter content covers a volume of around 5,1 million tce. These two financial measures were notified by the German Government pursuant to Article 3 of Decision No 2064/86/ECSC as direct aid to the coal industry within the meaning of Article 1 of the Decision.

III

By 31 December 1992 the financial measures under the compensation fund financed through the *Kohlepfennig* will have exceed DM 50 billion since the entry into force of the third Electricity-from-coal Law.

Since 1 January 1990 the compensation between mining areas and for coal with a low volatile-matter content has no longer been financed by the compensation fund (*Ausgleichsfonds*) under the third law, but under the Federal budget.

Notwithstanding the change in the financing arrangements, the compensation between mining areas and for coal with a low volatile-matter content should be assessed as measures having an equivalent effect to the previous scheme under the third Law, within the meaning of Article 2 of Commission Decision 89/296/ECSC⁽¹⁾.

IV

The aid measures are planned in respect of current expenditure under the compensation fund provided for by the third law, to which should now be added the planned measures having an equivalent effect in respect of compensation between mining areas and for coal with a low volatile-matter content, and thus bring the total amount of direct or indirect support for coal for 1993 under the third Electricity-from-coal Law up to DM 5 271,5 million.

Although the aid measures for 1993 show an increase compared with the volume of aid authorized by the Commission for 1988 and 1989, there is a slight decrease compared with 1990, 1991 and 1992.

V

The observed trend must be seen in the light of the aims of Decision No 2064/86/ECSC, in particular those set out in Article 2 (1), and in the light of the conditions set out in Decision 89/296/ECSC, in particular those mentioned

in Article 2, and the aims set out in Articles 2 and 3 of the ECSC Treaty.

In this connection it should be noted that the German third Electricity-from-coal Law has the effect of stabilizing production but does not further the aims of Article 2 (1) of Decision No 2064/86/ECSC — in particular the aim of improving competitiveness or creating new capacities that are economically viable.

The parameters laid down in that Law are such as to encourage investment in production capacities with no long-term guarantee of economic viability.

Lastly, the Law is not primarily aimed at resolving the social and regional problems connected with changes in the coal industry.

VI

Given the transitional nature of Decision No 2064/86/ECSC, which expires on 31 December 1993, and the need to secure long-term viability for the coal industry, it is necessary to ensure that Community aid is sufficiently degressive and is accompanied, to this end, by a restructuring, rationalization and modernization plan as provided for in Decision 89/296/ECSC.

By Decision 89/296/ECSC ruling on a financial measure by Germany in respect of the coal industry for 1988 under the third Law, the Commission has called upon the German Government as part of a plan for the restructuring, modernization and rationalization of the coal industry, to submit a plan for the reduction of compensatory payments under the third Electricity-from-coal Law or any other measure having equivalent effect; in response to this Decision, the German Government informed the Commission of a plan for the restructuring, rationalization and modernization of this sector providing for a reduction in power-station coal output of around 5,9 million tonnes of coal equivalent by 1997.

The Commission notes that the social and regional situation characterizing the coal industry in the Federal Republic of Germany, combined with the technical rigidities peculiar to this industry and the difficulties encountered in the negotiations with both sides of the industry has entailed a delay in the implementation of the plans called for by the Commission in its Decision of 30 March 1989.

Given that the reduction in capacity will be achieved by closing the most loss-making production units, the proposed measures will help to improve the competitiveness of the Community coal industry.

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 52.

Nevertheless, the fact remains that the reductions in production capacity proposed between now and 1997 at the latest will not help to bring about a significant improvement in the competitiveness of the German coal industry, since in the present circumstances production costs will continue to increase. It is therefore necessary to continue and intensify the restructuring of the industry in order to bring about a significant reduction in aid.

The Commission welcomes the entry in the budget of the compensation between mining areas (*Revierausgleich*) and for coal with a low volatile-matter content (*Ausgleich für niederflüchtige Kohle*), which represents a first step towards greater transparency in the aid schemes for power-station coal. The fact that the aid is degressive will help to strengthen somewhat financial discipline in the undertakings concerned.

In view of the above, the Commission considers that the aid proposed by the Federal Republic of Germany is compatible with the third indent of Article 2 (1) of Commission Decision No 2064/86/ECSC.

This Decision does not prejudice the compatibility of the contracts for the purchase of German coal concluded by the electricity generators (*Jahrhundertvertrag*) with the provisions of the Treaties. Furthermore, this Decision will have no legal effect beyond the expiry date of Decision No 2064/86/ECSC,

HAS ADOPTED THIS DECISION:

Article 1

The compensatory payment provided for under the third Electricity-from-coal Law is hereby authorized up to an amount of DM 5 000 million for 1993.

Article 2

The compensation between mining areas (*Revierausgleich*) and for coal with a low volatile-matter content (*Ausgleich für niederflüchtige Kohle*) for 1993 is hereby authorized up to an amount of DM 271,5 million.

Article 3

The German Government shall inform the Commission by 30 June 1994, at the latest, of the amounts of aid actually paid by way of compensation between mining areas (*Revierausgleich*) and for coal with a low volatile-matter content (*Ausgleich für niederflüchtige Kohle*) in 1993.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 December 1992.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 19 January 1993

amending Decision 81/526/EEC concerning the animal health conditions and veterinary certification of imports of fresh meat from Switzerland

(93/148/EEC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, porcine, ovine and caprine animals, fresh meat and meat products from third countries ⁽¹⁾, as last amended by Council Regulation (EEC) No 1601/92 ⁽²⁾, and in particular Articles 14 and 16 thereof,

Whereas Commission Decision 81/526/EEC ⁽³⁾, as amended by Decision 83/70/EEC ⁽⁴⁾, lays down the animal health conditions and veterinary certification of imports of fresh meat from Switzerland, and whereas such imports of fresh meat originate from Swiss animals;

Whereas the competent authorities of Switzerland have provided guarantees concerning the application in their country of Community veterinary legislation relating to the animal health conditions required for the importation of fresh meat coming from third countries;

Whereas, in view of these guarantees, and in conformity with the requirements of Article 14 of Directive 72/462/EEC, it is appropriate to authorize the importation of fresh meat coming from Switzerland which does not necessarily originate from that country;

Whereas, moreover, health protection measures have been laid down at Community level in relation to foot-and-mouth disease and classical swine fever;

Whereas it is necessary to amend Decision 81/526/EEC accordingly and, in particular, to lay down a supplementary attestation ensuring that the fresh meat imported

from Switzerland satisfies the requirements of Directive 72/462/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 81/526/EEC is hereby amended as follows:

1. Articles 2 and 4 are deleted;
2. Annex A is replaced by the Annex to this Decision.

Article 2

This Decision shall apply from the 15th day following its notification.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽³⁾ OJ No L 196, 18. 7. 1981, p. 19.

⁽⁴⁾ OJ No L 47, 19. 2. 1983, p. 25.

ANNEX

ANNEX A

ANIMAL HEALTH CERTIFICATE

for fresh meat ⁽¹⁾ of domestic animals of the bovine, porcine, ovine and caprine species, intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate ⁽²⁾ :

Exporting country : SWITZERLAND

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of :

(Animal species)

Nature of cuts :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved slaughterhouse(s) :

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved cutting plant(s) :

Address(es) and veterinary approval number(s) ⁽²⁾ of the approved cold store(s) :

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport ⁽³⁾ :

Name and address of consignor :

Name and address of consignee :

⁽¹⁾ Fresh meat means all parts fit for human consumption from domestic animals of the bovine, porcine, ovine and caprine species, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

⁽²⁾ Optional when the country of destination authorized the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ For railway wagons or goods vehicles the registration number should be given, for aircraft the flight number and for ships the name.

(2) The colour of the seal must be different to that of the colour of the printing on the certificate.

COMMISSION DECISION

of 27 January 1993

to take no action on the tenders received in response to the invitation to tender for the private storage aid of carcasses and half-carcasses of lamb issued under Regulation (EEC) No 12/93

(93/149/EEC)

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 3890/92⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to 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⁾, and in particular Article 12 (1) (f) thereof,

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, completes the provisions of Regulation (EEC) No 3446/90 and provides in particular for detailed rules on the tendering procedure;

Whereas Commission Regulation (EEC) No 12/93⁽⁶⁾ invites tenders for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas according to Article 12 (1) (f) of Regulation (EEC) No 3446/90 on the basis of the tenders received it is necessary to fix a maximum amount for private storage aid or make no award;

Whereas examination of the offers received, in the light of the current market situation, leads to no award of aid;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS DECISION:

Article 1

For the invitation to tender opened by Regulation (EEC) 12/93, no award of aid is made.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 391, 31. 12. 1992, p. 51.

⁽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.

⁽⁶⁾ OJ No L 4, 8. 1. 1993, p. 5.