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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 255/92

of 3 February 1992

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

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 222/92⁽⁵⁾;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 31 January 1992;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 222/92 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 4 February 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 24, 1. 2. 1992, p. 10.

ANNEX

to the Commission Regulation of 3 February 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)	
CN code	Levy (°)
0709 90 60	130,25 (°) (°)
0712 90 19	130,25 (°) (°)
1001 10 10	172,67 (°) (°) (10)
1001 10 90	172,67 (°) (°) (10)
1001 90 91	148,05
1001 90 99	148,05
1002 00 00	166,86 (°)
1003 00 10	144,76
1003 00 90	144,76
1004 00 10	131,30
1004 00 90	131,30
1005 10 90	130,25 (°) (°)
1005 90 00	130,25 (°) (°)
1007 00 90	139,46 (°)
1008 10 00	62,52
1008 20 00	127,11 (°)
1008 30 00	66,50 (°)
1008 90 10	(°)
1008 90 90	66,50
1101 00 00	219,81 (°)
1102 10 00	246,61 (°)
1103 11 10	281,08 (°) (10)
1103 11 90	236,22 (°)

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 256/92

of 3 February 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91⁽⁵⁾ and subsequent amending Regulation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 31 January 1992;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 February 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 3 February 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour*(ECU/tonne)*

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	3,18
0712 90 19	0	0	0	3,18
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	3,18
1005 90 00	0	0	0	3,18
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt*(ECU/tonne)*

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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 257/92
of 3 February 1992
amending Regulation (EEC) No 685/69 on detailed rules of application for
intervention on the market in butter and cream

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Title III of Commission Regulation (EEC) No 685/69 ⁽³⁾, as last amended by Regulation (EEC) No 3262/91 ⁽⁴⁾, lays down detailed rules for the grant of private storage aid for butter and cream; whereas the current situation on the butter and cream market makes it necessary to amend the dates between which entry into store may take place and the dates on which the storer may remove all or part of the quantities under contract from store;

Whereas Article 24 (3) (c) sets compensation per day of contractual storage calculated by reference to the buying-in price and interest rates; whereas, given developments on the money market, one single rate of interest should be introduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 685/69 is hereby amended as follows:

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

Done at Brussels, 3 February 1992.

1. Article 23 is amended as follows:

- in the first subparagraph of paragraph 6, '2 April' is replaced by '2 March' and '1 September' is replaced by '16 August',
- in paragraph 7, '1 September' is replaced by '16 August';

2. Article 24 is amended as follows:

— paragraph 2 is replaced by the following:

'2. Entry into store may take place only between 1 March and 15 August of the same year. Removal from store may take place only between 16 August of the year of storage and 1 February of the following year.'

— point (c) of the first subparagraph of paragraph 3 is replaced by the following:

'(c) an amount per day of contractual storage calculated by reference to 92 % of the buying-in price for butter, expressed in national currency, applied on the day of commencement of contractual storage, and by reference to an annual interest rate of 10 %.'

— in paragraph 5, '31 August' is replaced by '15 August'.

Article 2

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

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 90, 15. 4. 1969, p. 12.

⁽⁴⁾ OJ No L 308, 9. 11. 1991, p. 24.

COMMISSION REGULATION (EEC) No 258/92

of 3 February 1992

fixing for the 1992 marketing year the reference prices for cucumbers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1623/91⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, under Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas cucumbers are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas cucumbers harvested during a given crop year are marketed from January to December;

Whereas the quantities harvested during January and the first 10 days of February and during the last 20 days of November and December are so small that there is no need to fix reference prices for all the year; whereas reference prices should be fixed only for the period 11 February up to and including 10 November;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this

amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas Community-produced cucumbers are grown mainly under glass; whereas the reference prices for the marketing year must therefore be fixed for a product of that type; whereas cucumbers imported from certain third countries during the same period will have been grown in the open; whereas, although such cucumbers may be classed in class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for cucumbers not grown under glass should therefore be adjusted by a conversion factor;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1992 marketing year, the reference prices for cucumbers (CN code 0707 00 11, 19), expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

— February (from 11 to 20):	144,61
(from 21 to 29):	122,42
— March:	112,14
— April:	92,76
— May:	76,12
— June:	63,76
— July:	48,28
— August:	48,65
— September:	57,62
— from 1 October to 10 November:	81,62.

from third countries shall, after deduction of customs duties, be multiplied by the following conversion factors:

- from 11 February to 30 September: 1,30,
- from 1 October to 10 November: 1,00.

Article 2

2. For the purpose of calculating the entry price, the prices for cucumbers, not produced under glass, imported

This Regulation shall enter into force on 11 February 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 259/92

of 3 February 1992

fixing for the 1992 marketing year the Community offer prices for cucumbers
applicable with regard to Spain and Portugal

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 Regulations (EEC) No 3709/89⁽¹⁾ and No 3648/90⁽²⁾ laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) of each thereof,Whereas, Commission Regulation (EEC) No 3820/90⁽³⁾ lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain;

Whereas, pursuant to Article 152 and Article 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries; whereas, Community offer prices for cucumbers coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, which means from 11 February up to and including 10 November;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or

more periods and a Community offer price should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulations (EEC) Nos 3709/89 and 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet Quality Class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account;

Whereas cucumbers produced in the Community of Ten are grown mainly under glass; whereas the Community offer prices must therefore be fixed for a product of that type; whereas cucumbers imported from Spain and Portugal during the same period will have been grown in the open; whereas, although such cucumbers may be classed in class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for cucumbers not grown under glass should therefore be adjusted by a conversion factor;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for cucumbers for the period 11 February to 10 November 1992 at the levels set out hereinafter;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1992 marketing year, the Community offer prices for cucumbers (CN code 0707 00 11,19) applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

— from 11 to 20 February :	128,07
— from 21 to 29 February :	109,25
— March :	93,13
— April :	68,16
— May :	63,77
— June :	56,18
— July :	48,28
— August :	48,65
— September :	57,62
— from 1 October to 10 November :	78,27.

2. For the purposes of calculating the Spanish and Portuguese offer prices, the prices for cucumbers, not produced under glass, imported from Spain and Portugal shall, after deduction of customs duties, be multiplied by the following conversion factors :

- from 11 February to 30 September : 1,30,
- from 1 October to 10 November : 1,00.

Article 2

This Regulation shall enter into force on 11 February 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 260/92
of 3 February 1992
amending Regulation (EEC) No 3029/90 as regards the grubbing up of mandarin trees

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1196/90 of 7 May 1990 on the stabilization of the Community production of mandarins⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3029/90 laying down detailed rules for the application of Regulation (EEC) No 1196/90, defines in particular the areas and mandarin trees eligible for the grubbing-up premium is fixed per hectare, it should be granted, for the sake of efficiency and sound administration, only to groves with a density equal to or greater than a minimum average threshold per holding;

Whereas, in order to prevent the premature submission of applications as a result of the provisions of this Regula-

tion, provision should be made for it to enter into force on the day of its publication;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (2) of Regulation (EEC) No 3029/90 is hereby replaced by the following:

'2. The grubbing-up premium shall be granted for the grubbing up of mandarin groves with an area of 0,10 ha or more and an average density per holding of 300 trees per hectare or more'.

Article 2

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

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 119, 11. 5. 1990, p. 55.

COMMISSION REGULATION (EEC) No 261/92

of 3 February 1992

altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 228/92 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 228/92 to

the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 228/92 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 4 February 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 24, 1. 2. 1992, p. 27.

ANNEX

to the Commission Regulation of 3 February 1992 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	110,00
	05	40,00
	06	35,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	62,00
	05	32,00
	02	20,00
1002 00 00 000	03	31,00
	07	85,00
	02	30,00
1003 00 10 000	—	—
1003 00 90 000	04	31,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	98,00
1101 00 00 130	01	92,00
1101 00 00 150	01	85,00
1101 00 00 170	01	78,00
1101 00 00 180	01	73,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	98,00
1102 10 00 700	—	0
1102 10 00 900	—	—
1103 11 10 200	01	184,00
1103 11 10 400	01	0
1103 11 10 900	01	0
1103 11 90 200	01	98,00
1103 11 90 800	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Countries on the territory of the former USSR,
- 06 Algeria,
- 07 Zone II b).

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77, as last amended by Regulation (EEC) No 3049/89.

COMMISSION REGULATION (EEC) No 262/92

of 3 February 1992

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the import levy on white sugar and raw sugar must be equal to the threshold price less the cif price; whereas the threshold price for each of these products was fixed by Council Regulation (EEC) No 1718/91 of 13 June 1991 fixing, for the 1991/92 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal⁽³⁾;

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

Whereas the cif price for raw sugar and white sugar is calculated by the Commission for a Community frontier crossing point which was fixed at Rotterdam by Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing

the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾;

Whereas this price must be based on the most favourable purchasing opportunities on the world market established for each product on the basis of quotations or prices on that market adjusted for any deviation from the standard quality for which the threshold price is fixed; whereas the standard quality for raw sugar was defined by Regulation (EEC) No 431/68 and that for white sugar by Regulation (EEC) No 793/72⁽⁶⁾;

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

Whereas, however, pursuant to Regulation (EEC) No 784/68 of the Commission of 26 June 1968 laying down detailed rules for calculating cif prices for white sugar and raw sugar⁽⁷⁾, the Commission must disregard information if the goods concerned are not of sound and fair marketable quality or if the price quoted in an offer relates to small quantities and is not representative of the market; whereas offer prices which can be assumed not to be representative of the actual market trends must also be disregarded;

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 162, 26. 6. 1991, p. 23.

⁽⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 94, 21. 4. 1972, p. 1.

⁽⁷⁾ OJ No L 145, 27. 6. 1968, p. 10.

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,

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

Whereas these exchange rates being those recorded on 31 January 1992 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 4 February 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 3 February 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	40,81 ⁽¹⁾
1701 11 90	40,81 ⁽¹⁾
1701 12 10	40,81 ⁽¹⁾
1701 12 90	40,81 ⁽¹⁾
1701 91 00	45,63
1701 99 10	45,63
1701 99 90	45,63 ⁽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.

COMMISSION REGULATION (EEC) No 263/92

of 3 February 1992

correcting Regulation (EEC) No 185/92 on the issue of import licences for sheepmeat and goatmeat products originating in certain non-member countries

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾,

Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986⁽³⁾, as last amended by Regulation (EEC) No 1373/90⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 185/92⁽⁵⁾ provides for the issue of import licences for certain sheepmeat and goatmeat products originating in certain non-member countries; whereas, as the result of an error in the transmission of information, the quantities to be allo-

cated to the products falling within CN codes 0104 10 90 and 0104 20 90 were miscalculated, and the Regulation in question must therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (c) of Regulation (EEC) No 185/92 is replaced by the following:

'(c) for products falling within CN codes 0104 10 90 and 0104 20 90, the quantities applied for originating in other non-member countries, shall be reduced by 98,074 %.'

Article 2

This Regulation shall enter into force on 4 February 1992 and shall be applicable from 30 January 1992.

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

Done at Brussels, 3 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽⁴⁾ OJ No L 133, 24. 5. 1990, p. 6.

⁽⁵⁾ OJ No L 20, 29. 1. 1992, p. 5.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 January 1992

appointing a member of the Economic and Social Committee

(92/58/EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain Institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 24 September 1990 appointing the members of the Economic and Social Committee for the period ending on 20 September 1994 ⁽¹⁾,

Whereas a seat has become vacant on the above Committee following the resignation of Mr Rodolfo Machado von Tschusi notified to the Council on 22 October 1991,

Having regard to the nominations submitted by the Spanish Government on 30 October 1991,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr José Fernando RODRIGUEZ DE AZERO Y DEL HOYO is hereby appointed member of the Economic and Social Committee in place of Mr Rodolfo MACHADO VON TSCHUSI for the remainder of the latter's term of office, which runs until 20 September 1994.

Done at Brussels, 27 January 1992.

For the Council

The President

A. MARQUES DA CUNHA

⁽¹⁾ OJ No L 290, 23. 10. 1990, p. 13.

COUNCIL ESTIMATE

of 27 January 1992

**concerning young male bovine animals weighing 300 kilograms or less and
intended for fattening for the period 1 January to 31 December 1992**

(92/59/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 1628/91 ⁽²⁾, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS ESTIMATE:

Introduction

Article 13 (2) of Regulation (EEC) No 805/68 provides that each year before 1 December the Council, acting by a qualified majority on a proposal from the Commission, must draw up an estimate of the young male bovine animals which may be imported under the system laid down by the said Article. This estimate is to take account both of the forecast supplies of young bovine animals intended for fattening within the Community and of Community livestock farmers' requirements.

In order to establish the volume of imports to be carried out under this estimate as from 1981, in accordance with the Community's undertakings within the General Agreement on Tariffs and Trade (GATT), consultations are held between the Commission and representatives of some third countries before the annual draft estimate is put forward.

Before drawing up this estimate, the Commission held consultations with representatives of the following third countries: Hungary, Poland, Romania and Yugoslavia.

These consultations included an exchange of views on the beef and veal market as a whole, the production and

consumption prospects within the Community and the scope for exports of young male bovine animals by the third countries.

This estimate relates to the period 1 January to 31 December 1992. It has been prepared in the light of information available to the Commission and on the basis of the foreseeable trend for 1992 of supplies of and requirements for young male bovine animals intended for fattening in the Community. The particular circumstances in the third countries can also be taken into account, while ensuring that the number of head to be imported in 1992 will be limited to the traditional level (average for the years 1987, 1988 and 1989), i.e. to 425 000 head. The Commission introduced a surveillance system to this end and will continue to apply the safeguard measures, should import forecasts show that the number could be exceeded.

1. Assessment of Community supplies for 1992

In view of the number of breeding females (cows and heifers) anticipated for 1992 (about 36 950 000), some 29 218 000 births of calves are expected during that year. Production over the year of male calves would therefore be about 14 600 000 head in 1992.

2. Estimated Community requirements for 1992

2.1. The number of slaughtering of male calves envisaged for 1992, on the basis of data collected from Member States, should be about 4 000 000 head.

2.2. The number of male animals intended for slaughter, steers, fattened young bulls or bulls for breeding should be about 10 000 000 head.

2.3. In the light of information provided by Member States and of the above, it is expected that in 1992 the requirements of Community livestock farmers as regards young male bovine animals for fattening will be 10 000 000 head.

2.4. From the considerations set out in 2.1 and 2.3, it follows that the Community's overall requirements in male calves will be 14 000 000 head in 1992.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

These requirements may be wholly satisfied by Community supplies of these animals which, as shown in point 1, amount to about 14 600 000 head.

Conclusion

In the light of the above estimates, a Community surplus may be expected in 1992. Furthermore, the Commission has proposed the introduction of a premium for the withdrawal from production of young male calves of dairy breeds with a view to reducing the number of young calves available.

However, in order for harmonious trade relations to be maintained with the third countries concerned, the number of young bovine animals which may be imported

under the estimated supply balance for 1992 should be fixed at the same level, i.e. 198 000 head, while taking into account the overall level of traditional imports which the Commission contemplates in 1992.

Done at Brussels, 27 January 1992.

For the Council

The President

A. MARQUES DA CUNHA

COUNCIL ESTIMATE

of 27 January 1992

concerning the supply and demand for beef and veal in the processing industry
for the period 1 January to 31 December 1992

(92/60/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 1628/91⁽²⁾, and in particular Article 14 (2) thereof,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS ESTIMATE :

Introduction

Article 14 (2) of Regulation (EEC) No 805/68 provides that each year before 1 December, the Council, acting by a qualified majority on a proposal from the Commission, must draw up an estimate of meat which may be imported under the arrangements laid down in that Article. This estimate must take account, on the one hand, of the expected Community supplies of meat of a quality and type of cut suitable for industrial use and, on the other, of industrial need.

This estimate shall mention separately the quantities :

- (a) intended for the manufacture of preserves which do not contain characteristic components other than beef and jelly ;
- (b) intended for the processing industry for the manufacture of products other than the preserves referred to in (a).

The annual presentation of the draft estimate is preceded by consultations between the Commission and certain third countries. The purpose of these meetings is to review the overall situation of the beef market in the Community and the third countries as well as current forecasts of production and consumption, so that a joint analysis can be made of the factors which could contribute towards drawing up estimates of Community requirements for frozen beef for processing and so that information concerning the potential export market can be exchanged.

Consultations have been undertaken by the Commission with representatives of the following countries : Argentina, Uruguay, Australia, New Zealand, Hungary, Poland and Romania.

CHAPTER I

Supplies of meat for processing

According to information supplied to the Commission by the Member States in August 1991, Community supplies of home-produced fresh meat for processing for 1992 can be estimated at 1 323 000 tonnes of bone-in meat.

At the end of 1991 the Community will hold a large public stock of meat as a result of intervention buying. The quantity of this meat satisfying the requirements of meat for processing can be estimated at 500 000 tonnes of bone-in meat.

At the end of 1991 no meat will be held in cold stores as a result of the granting of private storage aid.

With effect from 1 January 1992 the Community intends to open a tariff quota for 53 000 tonnes of boned frozen meat, which corresponds to 68 900 tonnes bone-in meat.

Past experience indicates that, under this quota, 14 000 tonnes of frozen bone-in meat will be imported for processing in 1992.

In 1992 the quantity of meat originating in Botswana, Kenya, Madagascar, Zimbabwe, Swaziland and Namibia to be imported into the Community which satisfies the requirements for processing may be estimated at 7 600 tonnes of bone-in meat.

For 1992 the total available supplies intended for processing will thus be as follows :

	(tonnes)
— fresh meat	1 323 000
— frozen meat bought into intervention	500 000
— frozen meat stored under the system of private storage aid	0
— frozen meat imported under GATT quota	14 000
— frozen meat imported under ACP Convention arrangements	7 600
Total	1 844 000

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

CHAPTER II

Industrial demand for meat for processing

According to information supplied to the Commission by the Member States in August 1991, Community demand for meat for processing in 1992 can be estimated at 1 424 000 tonnes of bone-in meat.

This figure includes the quantity required for the preparation of preserved foods as referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68. This latter quantity is estimated at 218 000 tonnes.

Conclusions

It emerges from the foregoing that Community availabilities of meat for processing will exceed industrial require-

ments in 1992. The estimate of beef and veal intended for the processing industry and which may be imported in 1992 under the arrangements provided for in Article 14 of Regulation (EEC) No 805/68 is therefore fixed at zero tonnes.

Done at Brussels, 27 January 1992.

For the Council

The President

A. MARQUES DA CUNHA

COMMISSION

COMMISSION DECISION

of 27 January 1992

terminating the anti-dumping proceeding concerning imports of dihydrostreptomycin originating in Japan

(92/61/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽¹⁾, and in particular Article 9 thereof,

After consultation within the Advisory Committee in accordance with the abovementioned Regulation,

Whereas :

A. PROCEEDING

- (1) In April 1990, the Commission received a complaint from the European Council of Chemical Manufacturers' Federations (Cefic) (hereinafter referred to as 'the complainant') on behalf of the only Community producer of dihydrostreptomycin (hereinafter referred to as 'DHS') concerning imports of that product originating in the People's Republic of China and Japan.
- (2) The complaint contained evidence of the existence of dumping and of the resulting material injury, which was sufficient to justify the opening of an investigation. The Commission therefore announced, in a notice published in the *Official Journal of the European Communities* ⁽²⁾, the initiation of an anti-dumping proceeding concerning the product in question, which falls within CN code 2941 20 10.

B. PROVISIONAL MEASURES

- (3) The Commission, by Regulation (EEC) No 2054/91 ⁽³⁾, imposed a provisional anti-

dumping duty on imports of dihydrostreptomycin (DHS) falling within CN code 2941 20 10 and originating in China. Furthermore, the validity of the provisional duty was extended for a period not exceeding two months by Council Regulation (EEC) No 3091/91 ⁽⁴⁾.

- (4) In recitals 31 to 35 of the provisional Regulation the Commission found that the imports of DHS from Japan had not caused or contributed to the material injury suffered by the Community industry.

C. SUBSEQUENT PROCEDURE

- (5) No reasoned arguments were put forward by either the Community industry or the exporter of DHS from China which has previously disputed the Commission's findings as set out in recitals 31 to 35 of the provisional Regulation in relation to the exports of DHS originating in Japan.

D. TERMINATION

- (6) Accordingly, it is apparent that protective measures with regard to Japan are unnecessary and the anti-dumping proceeding concerning imports of DHS originating in Japan should be terminated without measures being imposed.
- (7) No objections to this conclusion were raised in the Advisory Committee.
- (8) The complainant was informed of the essential facts and principal considerations on the basis of which the Commission intended to terminate the proceeding concerning Japan and did not dispute them,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 186, 27. 7. 1990, p. 33.

⁽³⁾ OJ No L 187, 13. 7. 1991, p. 23.

⁽⁴⁾ OJ No L 293, 24. 10. 1991, p. 1.

HAS DECIDED AS FOLLOWS:

Done at Brussels, 27 January 1992.

Sole Article

The anti-dumping proceeding concerning imports of dihydrostreptomycin originating in Japan is hereby terminated.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 27 January 1992

terminating the anti-dumping proceeding concerning imports of audio tapes on reels originating in Japan, the Republic of Korea and Hong Kong

(92/62/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries no members of the European Economic Community ⁽¹⁾, and in particular Article 9 thereof,

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

Whereas :

A. PROCEDURE

- (1) In November 1988 the Commission received a written complaint lodged by the European Council of Chemical Manufacturer's Federation (Cefic) on behalf of producers whose collective output of audio tapes on reels and in cassettes was stated to constitute a major proportion of Community production of the product in question. The complaint contained evidence of dumping of the product concerned originating in Japan, the Republic of Korea (Korea) and Hong Kong and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

The Commission accordingly announced, by notice published in the *Official Journal of the European Communities* ⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of audio tapes on reels and in cassettes, falling within CN codes 8523 11 00 and 8523 13 00 and originating in Japan, Korea and Hong Kong and commenced an investigation.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (3) All of the known Korean exporters, most of the Japanese exporters, one Hong Kong exporter and all complainant Community producers made their

views known in writing. Submissions were also made by a number of importers.

- (4) 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*

AGFA Gevaert AG, München, Germany,
BASF Aktiengesellschaft, Ludwigshafen, Germany,
SUMA, Gien, France.

These Community producers are all members of Cefic.

(b) *Japanese producers/exporters*

TDK, Tokyo,
Denon Columbia, Tokyo.

(c) *Korean producers/exporters*

Saehan Media Co., Seoul,
Sunkyoung Magnetic Ltd (SKM), Seoul.

(d) *Hong Kong producers/exporters*

Swire Magnetics (HK) Ltd.

(e) *Importers in the Community*

Sony, Bayonne,
TDK Recording Media Europe GmbH, Rammelsbach,
Denon Columbia GmbH, Ratingen,
Sunkyoung Europe Ltd, London.

- (5) The Commission requested and received detailed written and oral submissions from the Community producers represented by the complainant, from the exporters named and from a number of importers and verified the information provided to the extent considered necessary.
- (6) For the reasons stated in recitals 9 to 12 of Commission Regulation (EEC) No 3262/90 ⁽³⁾, confirmed by Council Regulation (EEC) No 1251/91 ⁽⁴⁾, it was considered necessary to treat audio tapes in cassettes and on reels as two dif-

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 11, 14. 1. 1989, p. 9.

⁽³⁾ OJ No L 313, 13. 11. 1990, p. 5.

⁽⁴⁾ OJ No L 119, 14. 5. 1991, p. 35.

ferent products. Definitive anti-dumping duties have been imposed by the above Council Regulation on imports of audio tapes in cassettes from Japan and Korea. This Commission Decision is only concerned with audio tapes on reels.

**B. WITHDRAWAL OF THE COMPLAINT AND
TERMINATION OF THE PROCEEDING**

- (7) In July 1991 the Commission was informed by the complainant that it has decided to withdraw the complaint with regard to audio tapes on reels owing in particular to the imposition of definitive anti-dumping duties on audio tapes in cassettes (see recital 6). The complainant stated, however, that it withdrew its petition without prejudice of a future action.
- (8) The Commission has no reason to believe that the termination of the proceeding would not be in the

interest of the Community and considers that the anti-dumping proceeding should thus be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of audio tapes on reels originating in Japan, the Republic of Korea and Hong Kong is hereby terminated.

Done at Brussels, 27 January 1992.

For the Commission

Frans ANDRIESEN

Vice-President
