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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 738/92

of 23 March 1992

imposing a definitive anti-dumping duty on imports of cotton yarn originating in Brazil and Turkey

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 12 thereof,

Having regard to the fact that the Commission applied on 18 December 1991 to the EEC-Turkey Association Council, pursuant to Article 47 (1) of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾ and that the Association Council has taken no decision in this respect, within the time limit referred to in Article 47 (2) of that Protocol,

Having informed the EEC-Turkey Association Council, pursuant to Article 47 (2) of the above Additional Protocol,

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

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 2818/91⁽³⁾, imposed a provisional anti-dumping duty on imports into the Community of cotton yarn originating in Brazil, Egypt and Turkey and terminated the anti-dumping proceeding in respect of this product originating in India and Thailand. The Council, by Regulation (EEC) No 171/92⁽⁴⁾, extended this duty for a period not exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, the interested parties who so requested were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.
- (3) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.
- (5) Certain producers of cotton yarn in the exporting countries concerned made themselves known and indicated that they had not exported cotton yarn to the Community during the reference period, but had since started such exports or had the intention of doing so. These companies asked the Commission to take their particular situation into consideration.
- (6) Due to the complexity of the procedure and the other reasons indicated in recital (11) of Regulation (EEC) No 2818/91, the investigation could not be concluded within the time period mentioned in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

C. PRODUCT UNDER CONSIDERATION

- (7) In its provisional findings (recitals (4) to (6) of Regulation (EEC) No 2818/91) the Commission found that although there are various types of cotton yarn, differing namely in thickness, they have physical characteristics closely resembling each other and are manufactured using essentially the same technology and the same type of equipment. Moreover, they have a high degree of inter-

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 4.

⁽³⁾ OJ No L 271, 27. 9. 1991, p. 17.

⁽⁴⁾ OJ No L 18, 25. 1. 1992, p. 33.

changeability in their end use. These findings have not been substantially questioned by the producers/exporters. Some of them, however, claimed again that certain specific types of cotton yarn which exported to the Community were of different quality than the products manufactured and sold by the Community industry and should not be treated as a like product.

- (8) The Commission, having re-examined this claim, found that the differences in quality did not significantly affect the physical characteristics nor the use of the different types of cotton yarn imported as compared to those manufactured in the Community.

The Council confirms therefore the conclusion that the cotton yarn manufactured and sold by the Community industry is to be considered as a 'like product', within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88, of both the product manufactured and sold on the domestic market of each of the exporting countries concerned and of that manufactured and exported to the Community.

- (9) A Brazilian producer/exporter contested that its exports of cotton yarn wound on cones and then requiring further processing (such as dyeing) after having been imported into the Community should not be considered as falling within the scope of the present procedure.

This producer/exporter argued that while the complaint related only to cotton yarn not put up for retail sale, the above product was destined for retail sale for home knitting and not suitable for industrial use, i.e. weaving or knitting on industrial machines. In addition, the machinery used to produce this particular type of cotton yarn could not, without expensive modifications, be used for the production of cotton yarn for industrial use.

This exporter requested therefore that this product should not be subject to any anti-dumping duty.

The Commission, having consulted a specialized institute for the purpose of determining the exact characteristics of the cotton yarn concerned and possible uses of this product, has found that it is in fact suitable for special industrial uses which are undertaken in the Community on a regular basis. Moreover, it was found that the machines used to produce this type of cotton yarn could also be used for other types without significant modification expenditures. For these reasons the Commission considers that the product concerned falls within

the framework of the proceeding. The Council confirms this conclusion.

D. COMMUNITY INDUSTRY

- (10) Some producers/exporters claimed that the Community producers investigated by the Commission were not fully representative of the Community cotton yarn industry.

In recital (7) of Regulation (EEC) No 2818/91, the Commission outlined the method employed for investigating the Community industry and the reasons for its approach. In the view of the Commission, the selection of producers carried out according to size and geographic location ensures that the companies concerned are representative.

The Council confirms the Commission's approach on this point.

E. PRODUCERS/EXPORTERS

- (11) As regards the selection of the exporting companies by the Commission for determination of normal values, the following objections have been made :

— one cooperating Turkish producer/exporter, not selected for verification, claimed that the method used by the Commission is not specifically provided for by Regulation (EEC) No 2423/88.

Consequently it requested an examination of its individual situation concerning the dumping determination,

— some importers argued that the exporting companies selected for verification were not fully representative of the other cooperating companies.

- (12) The Commission notes that neither Regulation (EEC) No 2423/88 nor the GATT anti-dumping code requires that the entirety of the producing/exporting companies be investigated for the purposes of establishing normal values. Consequently, the Commission as well as the authorities of other GATT members, signatories to the code, have, in cases involving a great number of exporters selected companies which together can be considered as representative. In the present case, the selection criteria applied by the Commission ensures representativity as explained in recital (8) of Regulation (EEC) No 2818/91. Furthermore, the methodology used by the Commission was agreed in advance by all national associations, which acted on behalf of the member companies, including the Turkish association.

As regards the claim by the Turkish producer/exporter that its situation be individually investigated, the Commission recalls that it had, prior to on-the-spot verification in Turkey, offered all exporters which so wished, including this exporter, such an opportunity. No request to this effect was made at that time by the above producer/exporter. Moreover, the claim in question was received well after the adoption of the provisional measures, and at a moment in time where the completion of the investigation would have been unduly delayed, had a new on-the-spot verification to be carried out by the Commission.

In these circumstances, the Community confirms the position taken by the Commission.

F. NORMAL VALUE

(a) General

- (13) For the purposes of the definitive findings, normal value was in general established on the basis of the same methods as those used in the provisional determination of dumping, after taking into consideration new facts and arguments presented by the parties.

(b) Brazil

- (14) Two of the verified Brazilian exporters claimed that the Commission had wrongly considered sales of cotton yarn on the domestic market in certain months of 1989 as having been made at a loss. These exporters objected to the Commission having deducted the cost of credit to customers from the domestic selling price when comparing it with the cost of production of cotton yarn, since financing costs were included in the latter.

In order to establish whether domestic sales were in the ordinary course of trade within the meaning of Article 2 (3) (a) of Regulation (EEC) No 2423/88, the Commission had to examine whether these sales were profitable. To this end, the cost of production was calculated by taking into account all cost elements, including production financing costs. The resulting amount was then compared to the domestic sales prices at ex-works level. Since these prices do not include, by definition, credit to customers, the amounts relating to credit contained in actual invoiced prices were deducted.

The Council confirms the appropriateness of this calculation.

- (15) As regards the non-cooperating Brazilian producers/exporters, the Commission had found for the purposes of its provisional determinations that the level of cooperation had been so low as to render the use of the findings made in the investigation unrepresentative. Consequently, normal value was determined on the basis of information relating to cost of production, supplied by the complainant Community industry, plus a reasonable profit margin.

The Brazilian producers/exporters in question objected, maintaining that normal value determined on the basis of the complaint was the result of a mere estimation and that the calculation should be based on more neutral information available from independent sources such as published price lists, official import statistics, etc.

- (16) The Commission has reconsidered this situation in the light of the above comments and accepts the use of information concerning certain cost items for Brazilian cotton yarn contained in a specialized publication, which, in the present case, can be considered as a reliable source.

Thus, the Commission constructed normal value for the Brazilian non-cooperating producers/exporters by using for raw material costs and profit the weighted average of data concerning the cooperating companies, while all other costs are calculated on the basis of the information from the above publication.

(c) Egypt

- (17) For the reasons explained in recital (13) (a) of Regulation (EEC) No 2818/91, the Commission constructed normal value of Egyptian cotton yarn. All Egyptian exporters objected to this calculation and claimed that normal value should have been calculated on the basis of the actual domestic selling prices.

Furthermore, they insisted that, if constructed values were to be applied, the cost of cotton imported from third countries (invoiced in dollars) should be calculated on the basis of the special rate of exchange in force for raw cotton transactions during the investigation period.

Finally, the Egyptian producers/exporters claimed that the Commission had erroneously disregarded certain cost factors such as the percentage of waste resulting from the cotton yarn manufacturing process and the value of this waste when subsequently utilized.

- (18) In addition to the comments above, one Egyptian producer/exporter contested the results of the verification, claiming that its manufacturing structure was very similar to that of other Egyptian producers/exporters for which a lower margin of dumping had been determined; that in 1989 costs of production were exceptionally high and had decreased in following years; and that export prices of Egyptian cotton yarn had been increasing since 1989.
- (19) As regards the use of constructed normal values for Egyptian cotton yarn, the arguments submitted by interested parties were the same as for the preliminary determination. The Council therefore confirms that the Commission's approach, as outlined in recital (13) of Regulation (EEC) No 2818/91, is justified.
- (20) With regard to the rate of exchange used for the calculation of the cost of imported cotton, the Commission found that the claim of the Egyptian producers/exporters was justified. Consequently the cost was re-calculated and this modification led to a decrease of normal value.
- (21) With regard to the costs of production for Egyptian cotton yarn, the Commission re-examined its calculations and made the necessary modifications to take into account, whenever appropriate, the claim relating to the value of the waste. These modifications also led to a decrease of normal value.
- (22) As regards the objections listed in recital (18), the Commission considers them unfounded, since the differences in normal values are explained by differences in the cost of production found in the course of the investigation. Furthermore, factors relating to a period outside the period of investigation cannot be taken into consideration to determine whether dumping exists. The Council confirms this position.

(d) Turkey

- (23) Two Turkish producers/exporters claimed errors in the calculation of the cost of production and the determination of profit. The claims were found to be justified and adjustments to normal values were made accordingly.

(e) Complainants

- (24) The complainants contested the Commission's provisional findings concerning normal value. In particular they argued that the Commission should, in every instance, have constructed normal value. Furthermore, where constructed values were established, they questioned the results of the Commis-

sion's calculations, referring to the figures contained in specialized publications.

The Commission cannot accept these comments. Indeed, normal values can be constructed only when conditions set out in Article 2 (3) (b) of Regulation (EEC) No 2423/88 are fulfilled. This rule has been respected in the present procedure. Furthermore, normal values have been calculated on the basis of costs verified during the investigation and these data must receive priority over information which has not been the subject of a comparable verification.

The Council confirms the Commission's view on this matter.

G. EXPORT PRICE

(a) General

- (25) With the exception of point (b) below, no substantial objections have been raised by any party concerning the provisional determination of export prices. Consequently, the Council confirms these findings.

(b) Brazil

- (26) The Brazilian exporters maintained the claim mentioned in recital (17) of Regulation (EEC) No 2818/91. They insisted that the application of the official rate of exchange of 1 novo cruzado for 1 US dollar, during the first quarter of 1989, had depressed export prices, with the effect of creating artificial dumping, since at the same time inflation had continuously increased prices on the Brazilian market.
- (27) This position was supported by the Brazilian authorities, which confirmed that the exchange rate between the novo cruzado and the US dollar was frozen in the first quarter of 1989 for the purposes of domestic economic policy.

The Brazilian authorities expressed the view that, as a result of that exceptional situation, the use of the official exchange rates applicable for that period would prevent a fair comparison between normal value and export price. They requested that the exchange rate be adjusted so as to fully reflect the actual depreciation of the novo cruzado in 1989 in accordance with the rate of inflation in Brazil.

- (28) The establishment, by the competent authorities, of the exchange rate of a third country's currency is a decision which cannot be the subject of appreciation by the Community institutions in the framework of an anti-dumping proceeding. It is, therefore, the Commission's constant practice,

confirmed in the case-law of the Court of Justice, to use the official exchange rate applied to international commercial transactions. To adjust this exchange rate for the purposes of dumping calculations would be inappropriate and contrary to the principle of neutrality as regards the monetary aspects of an anti-dumping case.

The Council confirms this position and consequently considers the claim unacceptable.

H. COMPARISON

- (29) No new arguments were made by the interested parties concerning the method followed by the Commission in the comparison between normal value and export price, as described in recitals (18) to (20) of Regulation (EEC) No 2818/91. Thus, the Council confirms this method.

I. DUMPING MARGIN

(a) Cooperating producers/exporters

- (30) In comparing normal values for domestically sold cotton yarn of the cooperating producers/exporters with their export prices to the Community, the final examination of the facts shows the existence of dumping in respect of cotton yarn originating in Brazil, Egypt and Turkey. For the cooperating producers/exporters which were visited, individual dumping margins have been established on the basis of the amount by which the normal value exceeds the export price to the Community.

Furthermore, for the cooperating producers/exporters which were not visited, the dumping margins were established according to the method described in recital (8) of Regulation (EEC) No 2818/91.

- (31) The dumping margins, expressed as a percentage of the total cif value of the product concerned varied according to the exporters as follows :

— (i) Brazil

Fábrica de Rendas Arp SA	7,0 %
Fiação e Tecelagem Kanebo do Brasil	15,8 %
Nisshinbo do Brasil Indústria Têxtil Lda	12,1 %.

The weighted average of the dumping margins found for the above companies is 12,9 %.

— (ii) Egypt

Misr El Amria Spinning & Weaving Co.	0,4 %
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Misr Iran Textile Co. 'Miratex'	0,1 %
Misr Shebin El Kom For Spinning & Weaving (Shebintex)	0,1 %
Unirab Spinning & Weaving Co.	0,0 %.

The weighted average of the dumping margins found for the above companies is 0,1 %. These margins are of such a level as to be considered *de minimis*.

— (iii) Turkey

Yalova Elyaf ve Iplik Sanayi ve Ticaret AS	5,6 %
Ceytas (Ceyhan Tekstil Sanayii AS)	12,1 %
Yidas	4,9 %
Birko (Birllesik Koyunlular Mensucat Tic ve San AS)	7,7 %
Taris (Tarim Statis Kooperatifleri Birli Keri)	8,6 %
Söktas Pamuk ve Tarim Urunerini Degerlendirme Ticaret ve Sanayii AS	9,5 %.

The weighted average of the dumping margins found for the above companies is 9 %.

(b) Non-cooperating producers/exporters

- (32) For the purposes of the provisional findings concerning those Brazilian producers/exporters that neither replied to the Commission's questionnaire nor otherwise made themselves known, dumping had been determined on the basis of the facts available in accordance with the provision of Article 7 (7) (b) of Regulation (EEC) No 2423/88.

The Commission considered it appropriate to apply the highest margin of dumping found for non-cooperating producers/exporters from Turkey.

The Council confirms this view since no new evidence has been provided showing that the margin of dumping of the non-cooperating producers/exporters was actually lower than that of the highest margin found for a cooperating company.

- (33) For the Brazilian non-cooperating producers/exporters, the margin of dumping resulting from the re-calculation of normal value as described in recital (16) is 16,6 %.

- (34) The Council has also considered the situation of producers of cotton yarn in the exporting countries concerned that did not have any exports of cotton yarn to the Community during the reference period, but have since started such exports or have the intention of doing so (so-called 'newcomers').

The Council notes that the Commission is ready to initiate without delay a review proceeding for exporters who supply sufficient evidence to the Commission they did not export cotton yarn to the Community during the reference period; that they only started such exports after the said period or have a firm intention of doing so; and that they are not related to or associated with any of the exporters subject to the anti-dumping duty.

J. INJURY

(a) Cumulation

- (35) In its provisional findings, the Commission concluded that the effects of Brazilian, Egyptian, and Turkish dumped imports had to be assessed cumulatively. A number of exporters and importers objected to this conclusion.
- (36) The Commission notes that its provisional findings were based on the standard practice of the Community institutions to cumulate imports from several countries when these imported products compete with each other and with the like product of the Community industry and when the dumped imports are not negligible as such.

The Council considers that, in the present case, these conditions are met for the imports from Brazil and Turkey, while the Egyptian imports, for which no significant dumping has been finally determined, are not to be taken into account for the purpose of injury assessment.

- (37) The Brazilian exporters claimed that their exports should not be cumulated with those from other countries, since the volume of their exports in 1989 was different from that considered by the Commission in its provisional findings and at such a low level as to be negligible. In this context they provided the Commission with the Brazilian official statistics concerning exports of cotton yarn to the Community showing a total volume of exports actually lower than that indicated by Eurostat.
- (38) The Commission has again examined this question and confirms the accuracy of the data used which corresponds to Eurostat figures.

The Council agrees with this position.

- (39) The Brazilian exporters argued also that their market share in 1989 was lower than that considered by the Commission in its provisional findings. They claimed that, based upon an overall Community consumption of 1 728 571 tonnes of cotton yarn in 1989, the Brazilian market share did not exceed 1,55 %.

The Commission notes that, as indicated in recital (28) of Regulation (EEC) No 2818/91, the overall Community consumption amounted to 1 184 000

tonnes. Under these conditions, the market share of dumped imports from Brazil corresponded in 1989 to 2,25 %, which cannot be considered as negligible.

- (40) The Council confirms the above findings and concludes therefore that the effects of Brazilian and Turkish imports have to be assessed cumulatively.

(b) Volume and market share of dumped imports

- (41) As concluded in recital (36), for the purposes of the definitive findings the volume and market share of dumped imports must refer to the products exported from Brazil and Turkey. In considering the period between 1986 and 1989, dumped imports from these two countries were approximately 111 305 tonnes in 1986, 120 682 tonnes in 1987, 117 824 tonnes in 1988 and 104 130 tonnes in 1989. The market share of the Brazilian and Turkish exporters considered together was as follows: 9,6 % in 1986, 9,3 % in 1987, 9,8 % in 1988 and 8,7 % in 1989.

The Council confirms these findings.

(c) Price undercutting of dumped imports

- (42) No comments having been made by the interested parties, the Council confirms the findings and conclusions of the Commission, as described in recitals (31) and (32) of Regulation (EEC) No 2818/91.

(d) Other relevant economic factors

- (43) The Commission concluded in its provisional findings (recitals (33) to (40) of Regulation (EEC) No 2818/91) that the Community industry had suffered material injury which manifested itself, in particular, by a sharp decline of selling prices, financial losses especially in 1988 and 1989, lack of return in investment, closure of a large number of plants and a substantial loss of jobs.
- (44) No new facts concerning the injury findings were submitted to the Commission but the exporters concerned objected that some relevant economic factors relating to the Community industry, such as the development of its production and of its market share, proved that this industry was not suffering from material injury. The producers/exporters pointed to the fact that the Community producers investigated increased their production in the period from 1986 to 1989 by 5 % and their market share from 19,5 to 20,5 %, while their capacity utilization was stable. Furthermore, they invested the amount of ECU 542 million in only two years.

- (45) The Commission considers that, as established by Regulation (EEC) No 2423/88, the relevant economic factors of injury must not be evaluated in isolation since no one or several of them can necessarily give decisive guidance. When examining these factors, the Commission agrees that the figures concerning the evolution of the Community producers' output as well as of their market share were not substantially negative from 1986 to 1989. Nevertheless, these figures must be analysed in close conjunction with those relating to other important factors such as profitability, investment, plant closure, employment, etc.

As explained in Regulation (EEC) No 2818/91, the cotton yarn prices of the Community producers declined from ECU 3,47 per kilo in 1986 to ECU 3,12 in 1989. During the same period there was a decrease in profitability of 14 percentage points. In particular, in 1989 losses were registered amounting to 5,7 %, and out of all the Community producers investigated only four showed profits.

This situation had strong negative consequences especially in terms of job losses and plant closures. Taking only the figures in the Community companies investigated, the job losses in the years 1988 and 1989 amounted to 2 149. When the situation is considered in respect of the entire Community industry, it appears from the information available to the Commission that, in 1989 alone, 29 cotton spinners definitively closed their plants with a loss of 7 263 jobs.

(e) Conclusion on injury

- (46) In the light of the above, the Council concludes that the Community industry suffered material injury, within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

K. CAUSATION OF INJURY

(a) General

- (47) For the purposes of its provisional findings, the Commission had concluded that the investigation had not revealed any factors causing material injury to the Community industry other than the dumped imports from Brazil, Egypt and Turkey. This conclusion was based mainly on the fact that the loss of profitability and the other negative economic circumstances had coincided with the continuing price depression and price undercutting on the Community market, owing to the low prices of dumped imports.

The exporters concerned objected, maintaining that the difficulties faced by the Community industry were due to reasons other than the imports of cotton yarn in question. They argued that the Commission had omitted to consider the following points:

- the Community industry had taken wrong commercial and financial decisions when investing heavily in automated spinning mills and concentrating on open-end technology instead of persisting in the traditional ring spun cotton yarn. Moreover, these investments have had the effect of eliminating many manual tasks,
- a part of the Community industry had voluntarily withdrawn from the Community cotton yarn market, since their production efforts were concentrated on viscose and other blended yarns,
- Community producers' costs had gone up in the period between 1986 and 1989 because of a substantial increase in interest rates,
- some of the Community industry's difficulties were the consequence of internal factors such as the increased competition among Community producers in the course of the achievement of the Community's internal market.

- (48) The Commission considers that most of the arguments listed in recital (47) have already been answered in the Regulation imposing the provisional duties. It agrees that, as indicated in recital (37) of Regulation (EEC) No 2818/91, the Community industry made considerable investments to modernize plant and equipment but this was due to the reasonable intention to remain in the ranks of the technologically most advanced spinners in the world in order to maintain a high level of competitiveness.

Furthermore, as regards investments in open-end technology, a comparison relating to the period between 1980 and 1989 showed that in fact the Community producer investments in the sector were less than those of the North American spinners.

Indeed, regarding the installation of new machinery, for every 100 new spindles there were 49 new rotors in North America and only 21 in the Community. This clearly shows that the Community industry investments in the sector were not, in the period considered, abnormally high.

Furthermore, the Commission notes that the considerable amounts invested by the Community industry for restructuring indicate its precise inten-

tion to be present and competitive in the whole cotton yarn market, rather than to partially withdraw from this market or to concentrate on the production of special types of cotton yarn.

As regards the interest rates operating in the cotton yarn manufacturing sector, the Commission found that they increased in the Community from 1987 to 1989 by only 0,5 % which cannot be considered a cause of abnormal increase of the Community industry's costs.

As indicated in recital (43) of Regulation (EEC) No 2818/91, the Commission is aware of the fact that some job losses might have been the consequence of investments in high technology plants eliminating manual tasks. In addition, the Commission cannot exclude that the internal competition between Community spinners may have had negative effects for some of them. However these factors do not exclude the fact that the dumped imports had a clear detrimental impact, due especially to their low prices, on the state of the Community industry.

(b) Effects of quantitative restrictions

- (49) Exporters argued that the existence of bilateral agreements with the interested countries establishing quantitative restrictions for imports of cotton yarn had the consequence that no injury could have been caused to the Community industry by these imports.

The Commission reiterates in this context its considerations in recital (45) of Regulation (EEC) No 2818/91. Indeed, quantitative restrictions protect the Community industry from excessive volumes of imports, but do not prevent injury resulting from unfair trading practices such as dumping imports at very low prices.

- (50) Furthermore, it has been argued by the Turkish exporters that their exports of cotton yarn to the Community were subject, in addition to quantitative restrictions, to a system of minimum prices applied until 1988 and that it followed, from the combined effect of this system and the quantitative restrictions, that no injury could have been caused by Turkish exports, at least up to 1988.

This argument cannot be accepted since the price mechanism mentioned above was suspended in 1988 upon the request of the Commission because it was ineffective and could easily be circumvented.

(c) Effects of other factors

- (51) The Commission examined whether its conclusions on causation of injury in Regulation (EEC) No 2818/91 could be maintained, given that dumping margins for cotton yarn imports from Egypt were found to be insignificant and that these imports therefore have to be disregarded from the framework of the present proceeding.

The Commission considers that, taking due account of the considerable market share held by Brazilian and Turkish exports and the important margin by which these exports undercut Community producers' prices, the dumped imports from Brazil and Turkey taken in isolation have to be considered as causing material injury to the Community industry.

The Council confirms this conclusion.

L. COMMUNITY INTEREST

- (52) In its provisional findings, the Commission considered and weighed up the interests of the Community industry as well as those of other parties such as importers of cotton yarn, end-users, etc. For the reasons given in recitals (42) to (49) of Regulation (EEC) No 2818/91, it concluded that the interest of the Community called, on balance, for granting protection to the Community industry against unfair competition from dumped imports.

- (53) Following the provisional measures, a number of submissions were received from Community importers and, in particular, users of cotton yarn. In these submissions it was argued that an increase in import prices of cotton yarn from the countries concerned due to anti-dumping duties would have negative effects on their businesses.

Weavers of cotton yarn especially complained that an increase in the price of their raw material would reduce their competitiveness *vis-à-vis* weavers in third countries, and would bring about an increase in ready-made textiles exports to the Community. It was submitted that the result could be job losses and mill closures in the Community weaving industry, especially in the case of single-stage weavers (weaving mills that are not integrated with spinning mills). Some weavers claimed difficulties in sourcing cotton yarn from a particular area of the Community arguing that the spinning industry in that area had already been 'decimated beyond revival'.

Others argued that it would have been more logical if the Community, in taking action against unfairly low-priced imports, had started at a higher stage in the production process leading to finished garments and fabrics.

- (54) Since the basic purpose of anti-dumping duties is to remove the injury which dumped imports cause to a Community industry and thereby to re-establish open and fair competition in the Community market for the product concerned, prices of cotton yarn should normally increase due to anti-dumping duties on dumped imports. As regards end-users of cotton yarn, the Commission considers that an advantage, in terms of low prices, cannot justify unfair commercial practices, which are detrimental to the Community producers of this product and that the importers have no vested rights that this advantage persists.

- (55) With respect to the alleged difficulties of sourcing cotton yarn in a particular area of the Community, the Council sees no reason why sourcing should be restricted to a particular area of the internal market. Taking the Community spinning industry as a whole, it appears unfounded, provided that measures are taken against unfairly priced imports, to declare its demise beyond revival.

- (56) Furthermore, the Council notes that, should definitive anti-dumping measures not be taken, the number of cotton yarn spinners in the Community would continue to decline with an additional loss of jobs. Indeed, the trend in factory closures due to dumped imports is such that, without measures, the continued existence of the industry as a whole may be said to be in danger. From 1989 to the end of 1991, 87 production units of cotton yarn in the Community, including three of the Community producers verified, were forced to close, causing a loss of 17 423 jobs. This amounts does not include job losses due to the restructuring of companies which are still operational.

Similar views were expressed by the European Trade Union Committee for Textiles, Clothing and Leather, representing Community workers in these industrial sectors.

- (57) The Council also notes that Eurocoton and the European Trade Union Committee for Textiles, Clothing and Leather represent producers and workers in both the spinning and the weaving

industries of the Community. It can be assumed that, in strongly supporting definitive anti-dumping duties, both organizations have carefully weighed the interests of all their members, including weavers.

Provided that the injury from dumped imports is removed, the Community spinning industry should be able to be fully competitive, the more so as it has made significant investments in technology, enabling it to compete with low-labour cost countries, to well adapt to market requirements in the Community.

- (58) No submissions were received from Community consumers of products made from cotton yarn. The Council considers that in the medium-term consumers should benefit from a sound competitive situation in which the number of suppliers of cotton yarn is not diminished by unfair trading.

- (59) In the light of the above, the Council confirms the Commission's findings that it is in the Community's interest to impose anti-dumping measures to eliminate the injurious effects of imports of cotton yarn originating in Brazil and Turkey.

M. UNDERTAKINGS

Both the Turkish and Brazilian authorities, having been informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties, offered, on behalf of the exporters concerned, a form of undertaking.

In the case of Turkey, this offer did not correspond to the provisions of Article 10 of Regulation (EEC) No 2423/88, and in particular the possibility of imposing duties in the case of violation or withdrawal as provided for in paragraph 6 of that Article. In addition, the Commission considers that effective monitoring of the adherence of companies to such an undertaking would not be practicable.

As regards the Brazilian offer which provides for voluntary quantitative export restrictions, the Commission was not satisfied that its acceptance would eliminate the injurious effects of the dumping.

The Council notes that for these reasons both these offers of undertaking have, after consultation, been rejected.

injury caused. On the basis of the definitive findings, this result remains unchanged.

O. COLLECTION OF PROVISIONAL DUTIES

N. DUTY

- (60) Provisional anti-dumping duties were imposed at the level of the dumping margins determined, with the exception of one Brazilian exporter for which the level imposed was that sufficient to remove the

- (61) In view of the dumping margins established and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts secured by way of provisional anti-dumping duties, with the exception of those relating to the imports of Egyptian cotton yarn, should be definitively collected to the extent of the amount of the duty definitively imposed.

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of cotton yarn falling within CN codes 5205 11 00 to 5205 45 90 and 52 11 00 to 5206 45 90 and originating in Brazil and Turkey.

2. The rate of the duty applicable to the net free-at-Community-frontier price before duty shall be as follows :

- (a) 16,6 % for cotton yarn originating in Brazil, Taric additional code 8551, with the exception of imports manufactured by the following companies, which shall be subject to the rate of duty mentioned hereunder :

	<i>Rate of duty</i>	<i>Taric additional code</i>
Fábrica de Rendas Arp. SA	7,0 %	8552
Nisshinbo do Brasil Indústria Têxtil Ltda	12,1 %	8553
Fiação e Tecelagem Kanebo do Brasil	11,2 %	8554
Filobel SA Indústrias Têxteis do Brasil	12,9 %	8555
Toyobo do Brasil Indústria Têxtil Ltda	12,9 %	8555
Indústria Têxtil Tsuzuki Ltd	12,9 %	8555
SA Têxtil Nova Odessa	12,9 %	8555
Cotófcio de São Bernardo	12,9 %	8555
Companhia Brasileira de Fiação	12,9 %	8555

- (b) 12,1 % for cotton yarn originating in Turkey, Taric additional code 8562, with the exception of imports manufactured by the following companies, which shall be subject to the rate of duty mentioned hereunder :

	<i>Rate of duty</i>	<i>Taric additional code</i>
Birko (Birlesik Koyunlulular Mensucat Tic ve San AS)	7,7 %	8563
Ceytas (Ceyhan Tekstil Sanayii AS)	12,1 %	8564
Söktas Pamuk ve Tarım Urunerini Degeriendirme Ticaret ve Sanayii AS	9,5 %	8565
Taris (Tarım Satis Kooperatifleri Birli keri)	8,6 %	8566
Yalova Elyaf ve iplik Sanayii ve Ticaret AS	5,6 %	8567
Yidas	4,9 %	8568
Sönnez Pamuklu Sanayii AS	9,0 %	8569
Cukurova Sanayi isletmeleri TAS	9,0 %	8569
Akip Tekstil	9,0 %	8569
Karsu (Tekstil Sanay ve Tic AS)	9,0 %	8569
Trakya Iplik Sanayi AS	9,0 %	8569
Bisas Bursplik Sanayii AS	9,0 %	8569
Meptas Manisali Errensel Pazadama ve Ticaret AS	9,0 %	8569
Hateks (Hatay Tekstil Isletmeieria AS)	9,0 %	8569

3. The free-at-Community-frontier price as indicated in paragraph 2 shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

4. In cases where the exporting company is not the same as the producing company, the rate of duty applicable to the imports of the products of the producing company shall apply.

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

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 2818/91 concerning the imports from Brazil and Turkey, shall be definitively collected at the duty rate definitively imposed. Amounts secured in excess of the definitive rate of duty shall be released.

Article 3

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

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

Done at Brussels, 23 March 1992.

For the Council

The President

Carlos BORREGO

COMMISSION REGULATION (EEC) No 739/92

of 26 March 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 674/92⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 594/92⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 25 March 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 594/92 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 27 March 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 64, 10. 3. 1992, p. 4.

ANNEX

to the Commission Regulation of 26 March 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy ^(*)
0709 90 60	127,85 ⁽²⁾ ⁽³⁾
0712 90 19	127,85 ⁽²⁾ ⁽³⁾
1001 10 10	164,24 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 10 90	164,24 ⁽¹⁾ ⁽⁵⁾ ⁽¹⁰⁾
1001 90 91	142,85
1001 90 99	142,85 ⁽¹¹⁾
1002 00 00	163,00 ⁽⁶⁾
1003 00 10	140,57
1003 00 90	140,57 ⁽¹¹⁾
1004 00 10	119,91
1004 00 90	119,91
1005 10 90	127,85 ⁽²⁾ ⁽³⁾
1005 90 00	127,85 ⁽²⁾ ⁽³⁾
1007 00 90	138,91 ⁽⁴⁾
1008 10 00	53,14 ⁽¹¹⁾
1008 20 00	122,41 ⁽⁴⁾
1008 30 00	64,02 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	64,02
1101 00 00	213,55 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	241,37 ⁽⁸⁾
1103 11 10	268,08 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	229,29 ⁽⁸⁾

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 740/92

of 26 March 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 674/92⁽²⁾, and in particular Article 15 (6) thereof,

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

Whereas the 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 25 March 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 27 March 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 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 26 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	5,15	5,15	5,15
0712 90 19	0	5,15	5,15	5,15
1001 10 10	0	1,39	1,39	1,39
1001 10 90	0	1,39	1,39	1,39
1001 90 91	0	2,85	2,85	0,71
1001 90 99	0	2,85	2,85	0,71
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	5,15	5,15	5,15
1005 90 00	0	5,15	5,15	5,15
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	4,00	4,00	1,00

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	5,07	5,07	1,26	1,26
1107 10 19	0	3,79	3,79	0,94	0,94
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 741/92**of 26 March 1992****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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 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 1720/91⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 728/91⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 729/91⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 730/91⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries 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 application of the rules recalled above to the levy rates indicated by tenderers on 23 and 24 March 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 80, 27. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 80, 27. 3. 1991, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 80, 27. 3. 1991, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	72,00 ⁽²⁾
1509 10 90	72,00 ⁽²⁾
1509 90 00	83,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No 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 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Turkey : ECU 11,48 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 12,69 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	15,84
0711 20 90	15,84
1522 00 31	36,00
1522 00 39	57,60
2306 90 19	6,16

⁽¹⁾ No 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 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 742/92
of 26 March 1992
fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3986/87⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EEC) No 3637/91⁽⁵⁾ last fixed for the period 1 January to 31 March 1992, they must be fixed anew for the period 1 April to 30 June 1992; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October 1991 to 29 February 1992;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required for the production of poultrymeat varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 April to 30 June 1992;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world

market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price is to be fixed for certain products; changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, by Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁶⁾, as extended by Regulation (EEC) No 3588/91⁽⁷⁾, and (EEC) No 715/90⁽⁸⁾ on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States), as last amended by Regulation (EEC) No 444/92⁽⁹⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultrymeat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽¹⁰⁾, as extended by Regulation (EEC) No 3587/91⁽¹¹⁾, partially or totally suspends Common Tariff duties, in particular on certain poultrymeat products;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹²⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.
⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.
⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.
⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 7.
⁽⁵⁾ OJ No L 344, 14. 12. 1991, p. 51.

⁽⁶⁾ OJ No L 370, 31. 12. 1990.
⁽⁷⁾ OJ No L 341, 12. 12. 1991, p. 6.
⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽⁹⁾ OJ No L 52, 27. 2. 1992, p. 7.
⁽¹⁰⁾ OJ No L 370, 31. 12. 1990, p. 86.
⁽¹¹⁾ OJ No L 341, 12. 12. 1991, p. 1.
⁽¹²⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulations (EEC) No 518/92⁽¹⁾, (EEC) No 519/92⁽²⁾ and (EEC) No 520/92⁽³⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 579/92⁽⁴⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards poultrymeat;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In respect of the products specified in Article 1 (1) of Regulation (EEC) No 2777/75, the levies provided for in Article 3 thereof and the sluice-gate prices provided for in Article 7 thereof shall be as shown in the Annex hereto.

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

Article 2

This Regulation shall enter into force on 1 April 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽²⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁴⁾ OJ No L 62, 7. 3. 1992, p. 15.

ANNEX

to the Commission Regulation of 26 March 1992 fixing the sluice-gate prices and levies for poultrymeat ⁽¹⁾ ⁽²⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	22,44	6,23	—
0105 19 10	99,36	20,55	—
0105 19 90	22,44	6,23	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	77,93	25,27 (*)	—
0105 99 10	88,02	39,08	—
0105 99 20	113,80	39,17 (*)	—
0105 99 30	103,19	29,47 (*)	—
0105 99 50	119,57	40,89	—
0207 10 11	97,91	31,75 (*)	—
0207 10 15	111,33	36,10 (*)	—
0207 10 19	121,30	39,33 (*)	—
0207 10 31	147,42	42,10 (*)	—
0207 10 39	161,60	46,15 (*)	—
0207 10 51	103,55	45,98 (*)	—
0207 10 55	125,74	55,83 (*)	—
0207 10 59	139,71	62,03 ⁽²⁾ (*)	—
0207 10 71	162,57	55,96 (*)	—
0207 10 79	153,55	59,50 ⁽²⁾ (*)	—
0207 10 90	170,81	58,41	—
0207 21 10	111,33	36,10 (*)	—
0207 21 90	121,30	39,33 (*)	—
0207 22 10	147,42	42,10 (*)	—
0207 22 90	161,60	46,15 (*)	—
0207 23 11	125,74	55,83 (*)	—
0207 23 19	139,71	62,03 ⁽²⁾ (*)	—
0207 23 51	162,57	55,96 (*)	—
0207 23 59	153,55	59,50 ⁽²⁾ (*)	—
0207 23 90	170,81	58,41	—
0207 31 00	1 625,70	559,60	3 ⁽²⁾
0207 39 11	285,52	105,23 (*)	—
0207 39 13	133,43	43,26 (*)	—
0207 39 15	92,15	32,75 (*)	—
0207 39 17	63,80	22,68 (*)	—
0207 39 21	183,69	59,57 (*)	—
0207 39 23	172,56	55,96 (*)	—
0207 39 25	283,54	100,78	—
0207 39 27	63,80	22,68 (*)	—
0207 39 31	309,58	88,41 (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	177,76	50,77 (*)	—
0207 39 35	92,15	32,75 (*)	—
0207 39 37	63,80	22,68 (*)	—
0207 39 41	235,87	67,36 (*)	—
0207 39 43	110,57	31,58 (*)	—
0207 39 45	199,02	56,84 (*)	—
0207 39 47	283,54	100,78 (*)	—
0207 39 51	63,80	22,68 (*)	—
0207 39 53	322,46	124,95 (*)	—
0207 39 55	285,52	105,23 (*)	—
0207 39 57	153,68	68,23	—
0207 39 61	168,91	65,45 (*)	—
0207 39 63	187,89	64,25	—
0207 39 65	92,15	32,75 (*)	—
0207 39 67	63,80	22,68 (*)	—
0207 39 71	230,33	89,25 (*)	—
0207 39 73	183,69	59,57 (*)	—
0207 39 75	222,65	86,28 (*)	—
0207 39 77	172,56	55,96 (*)	—
0207 39 81	195,51	80,74 (*)	—
0207 39 83	283,54	100,78	—
0207 39 85	63,80	22,68 (*)	—
0207 39 90	163,04	57,95	10
0207 41 10	285,52	105,23 (*)	—
0207 41 11	133,43	43,26 (*)	—
0207 41 21	92,15	32,75 (*)	—
0207 41 31	63,80	22,68 (*)	—
0207 41 41	183,69	59,57 (*)	—
0207 41 51	172,56	55,96 (*)	—
0207 41 71	283,54	100,78 (*)	—
0207 41 90	63,80	22,68 (*)	—
0207 42 10	309,58	88,41 (*)	—
0207 42 11	177,76	50,77 (*)	—
0207 42 21	92,15	32,75 (*)	—
0207 42 31	63,80	22,68 (*)	—
0207 42 41	235,87	67,36 (*)	—
0207 42 51	110,57	31,58 (*)	—
0207 42 59	199,02	56,84 (*)	—
0207 42 71	283,54	100,78 (*)	—
0207 42 90	63,80	22,68 (*)	—
0207 43 11	322,46	124,95 (*)	—
0207 43 15	285,52	105,23 (*)	—
0207 43 21	153,68	68,23	—
0207 43 23	168,91	65,45 (*)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	187,89	64,25	—
0207 43 31	92,15	32,75 ⁽¹⁾ ^(*)	—
0207 43 41	63,80	22,68 ⁽¹⁾ ^(*)	—
0207 43 51	230,33	89,25 ⁽¹⁾ ^(*)	—
0207 43 53	183,69	59,57 ⁽¹⁾ ^(*)	—
0207 43 61	222,65	86,28 ⁽¹⁾ ^(*)	—
0207 43 63	172,56	55,96 ⁽¹⁾ ^(*)	—
0207 43 71	195,51	80,74 ⁽¹⁾ ^(*)	—
0207 43 81	283,54	100,78	—
0207 43 90	63,80	22,68 ^(*)	—
0207 50 10	1 625,70	559,60	3 ⁽²⁾
0207 50 90	163,04	57,95	10
0209 00 90	141,77	50,39	—
0210 90 71	1 625,70	559,60	3
0210 90 79	163,04	57,95	10
1501 00 90	170,12	60,47	18
1602 31 11	294,84	84,20	17
1602 31 19	311,89	110,86	17
1602 31 30	170,12	60,47	17
1602 31 90	99,24	35,27	17
1602 39 11	280,72	104,92	—
1602 39 19	311,89	110,86	17
1602 39 30	170,12	60,47	17
1602 39 90	99,24	35,27	17

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

⁽²⁾ The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3809/91 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

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

^(*) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 579/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

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

COMMISSION REGULATION (EEC) No 743/92
of 26 March 1992
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽³⁾, as last amended by Regulation (EEC) No 4155/87⁽⁴⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EEC) No 3622/91⁽⁵⁾, last fixed for the period 1 January to 31 March 1992, they must be fixed anew for the period 1 April to 30 June 1992; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October 1991 to 29 February 1992;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 April to 30 June 1992;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price has been fixed, changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas Council Regulations (EEC) No 518/92⁽⁷⁾, (EEC) No 519/92⁽⁸⁾ and (EEC) No 520/92⁽⁹⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 579/92⁽¹⁰⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards eggs;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1992.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁴⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁵⁾ OJ No L 344, 14. 12. 1991, p. 11.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁸⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁹⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹⁰⁾ OJ No L 62, 7. 3. 1992, p. 15.

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

Done at Brussels, 26 March 1992.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1992 fixing the sluice-gate prices and levies for eggs ⁽²⁾

CN code	Sluice-gate price	Levy
	ECU/100 units	ECU/100 units
0407 00 11	51,68	13,33 ⁽¹⁾
0407 00 19	10,98	4,10 ⁽¹⁾
	ECU/100 kg	ECU/100 kg
0407 00 30	83,53	35,19
0408 11 10	406,10	164,69 ⁽¹⁾
0408 19 11	183,65	71,79 ⁽¹⁾
0408 19 19	195,68	76,71 ⁽¹⁾
0408 91 10	340,84	159,06 ⁽¹⁾
0408 99 10	90,30	40,82 ⁽¹⁾

⁽¹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 579/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

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

COMMISSION REGULATION (EEC) No 744/92**of 26 March 1992****fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the sluice-gate prices and import duties of the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1679/90 of 28 June 1990 fixing sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EEC) No 3623/91 ⁽⁴⁾ last fixed for the period 1 January to 31 March 1992, they must be fixed anew for the period 1 April to 30 June 1992; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EEC) No 743/92 of 26 March 1992 fixing the sluice-gate prices and levies for eggs ⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell have been altered by the said Regulation; whereas it is therefore necessary likewise to alter the sluice-gate

prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EEC) No 2816/91;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 157, 22. 6. 1990, p. 16.

⁽⁴⁾ OJ No L 344, 14. 12. 1991, p. 13.

⁽⁵⁾ See page 24 of this Official Journal.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 26 March 1992 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽¹⁾

CN code	Sluice-gate price	Import duty
	ECU/100 kg	ECU/100 kg
3502 10 91	390,10	142,87
3502 10 99	52,29	19,35
3502 90 51	390,10	142,87
3502 90 59	52,29	19,35

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

COMMISSION REGULATION (EEC) No 745/92

of 26 March 1992

fixing the number of young male bovine animals which may be imported on special terms in the second quarter of 1992 and derogating from Regulation (EEC) No 2377/80 in respect of that quarter as regards the allocation of the quantities available

THE COMMISSION 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 Articles 13 (4), 15 (2) and 25 thereof,

Whereas the Council has drawn up an estimated supply balance of 198 000 head under the new import arrangements applicable to young male bovine animals for fattening for the period 1 January to 31 December 1992; whereas, pursuant to Article 13 (4) (a) of Regulation (EEC) No 805/68, the number which may be imported each quarter and the rate of reduction in the import levy on such animals must be determined;

Whereas detailed rules for the practical application of these special arrangements were laid down in Commission Regulation (EEC) No 612/77⁽³⁾, as last amended by Regulation (EEC) No 1121/87⁽⁴⁾, and in Commission Regulation (EEC) No 2377/80⁽⁵⁾, as last amended by Regulation (EEC) No 815/91⁽⁶⁾;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening must be taken into account; whereas those requirements are apparent in Italy and Greece and may be estimated for the second quarter of 1992 at 42 120 head and 6 435 head respectively in those Member States;

Whereas Council Regulation (EEC) No 3300/91⁽⁷⁾ suspended the trade concession provided for by the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia; whereas, therefore, that country should be excluded from the present arrangements as regards the 75 % reduction in the levy, without prejudice to new legislation adopted in the light of the decisions taken by the Council on 2 December 1991 and 3 February 1992 in favour of

the Republics contributing to progress towards peace in Yugoslavia;

Whereas, in accordance with letter No 2 annexed to the Interim Agreement between the European Economic Community and the European Coal and Steel Community of the one part, and the Czech and Slovak Federal Republic of the other part, these arrangements should apply to that Republic;

Whereas the supply requirements in young bovine animals for fattening justify, for the second quarter of 1992, a higher rate of reduction in the levy on animals weighing from 220 to 300 kilograms per head, originating in and coming from Hungary, Poland or the Czech and Slovak Federal Republic;

Whereas the quantities available must be shared between the traditional trade and other potential applicants;

Whereas, in order to simplify the procedure for allocating the quantities available it is necessary to derogate from Regulation (EEC) No 2377/80; whereas in the case of the traditional trade the quantities available should be allocated directly in proportion to the number of head imported during the last three years; whereas, in the case of other applicants, the quantities available should be allocated directly in proportion to the number of head for which application is made;

Whereas, in the case of other applicants, the maximum quantity which each application for an import licence may cover must be limited, in order to permit a more equitable distribution of the quantities available; whereas for financial reasons a minimum number of head should be set for these applications;

Whereas, in order to permit regular imports, the term of validity of licences as referred to in Article 4 (b) of Regulation (EEC) No 2377/80 should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 April to 30 June 1992, the maximum number referred to in Article 13 (4) (a) of

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 18.

⁽⁴⁾ OJ No L 109, 24. 4. 1987, p. 12.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁷⁾ OJ No L 315, 15. 11. 1991, p. 1.

Regulation (EEC) No 805/68 shall be 48 555 head of young male bovine animals for fattening, comprising :

- (a) 6 315 weighing not more than 300 kilograms per head and subject to a 65 % reduction in the levy, and
- (b) 42 240 of a weight of 220 to 300 kilograms per head, originating in and coming from Hungary, Poland or the Czech and Slovak Federal Republic and subject to a 75 % reduction in the levy.

2. The reductions referred to in 1 shall be in respect of the levy applicable on the day of acceptance of the declaration of release for free circulation.

3. The quantities referred to in 1 shall be distributed as follows :

	<i>Italy</i>	<i>Greece</i>
(a) 6 315 head	5 480	835
(b) 42 240 head	36 340	5 600

4. Applications for licences and licences shall, notwithstanding Article 9 (1) (c) of Regulation (EEC) No 2377/80, relate to :

- either young bovine animals weighing not more than 300 kilograms per head,
- or young bovine animals weighing from 220 to 300 kilograms per head, originating in and coming from Hungary, Poland or the Czech and Slovak Federal Republic.

In the latter case, Sections 7 and 8 of applications for licences and licences shall include one of the following entries :

- *Hungria y/o Polonia y/o República Federativa Checa y Eslovaca*
- *Ungarn og/eller Polen og/eller Den Tjekkiske og Slovakiske Føderative Republik*
- *Ungarn und/oder Polen und/oder Tschechische und Slowakische Föderative Republik*
- *Ουγγαρία ή/και Πολωνία, ή/και Τσεχική και Σλοβακική Ομοσπονδιακή Δημοκρατία*
- *Hungary and/or Poland and/or Czech and Slovak Federal Republic*
- *Hongrie et/ou Pologne et/ou République fédérative tchèque et slovaque*
- *Ungheria e/o Polonia e/o Repubblica federativa ceca e slovacca*
- *Hongarije en/of Polen en/of Tsjechische en Slowaakse Federatieve Republiek*
- *Hungria e/ou Polónia e/ou República Federativa Checa e Eslovaca*.

Licences shall carry with them an obligation to import from one or more of the countries indicated.

5. In the information referred to in Article 15 (4) (a) of Regulation (EEC) No 2377/80, Member States shall specify the category of live weight and the origin of the products in the case referred to in the second indent of the first subparagraph of paragraph 4.

6. Of the number of head reserved for Italy and Greece for each category notwithstanding Article 15 (6) (a) of Regulation (EEC) No 2377/80 :

- (a) 90 % may be allocated directly to applicants who provide proof of having imported animals qualifying under this scheme during the last three years.

Numbers covered by licences shall be allocated in proportion to the number of head imported in the three years concerned ;

- (b) 10 % may be allocated directly to other applicants.

7. The proof referred to in paragraph 6 shall be provided by the customs document of release for free circulation.

8. Import licences shall only be issued for a number equal to or more than 10 head.

Article 2

1. As regards the quantities referred to in Article 1 (6) (b), applications for import licences shall

- (a) relate to a number equal to or more than 50 head, and
- (b) relate to a quantity not exceeding 10 % of the quantities available except where the said 10 % results in a figure less than 50 head.

2. In cases where applications for import licences state quantities in excess of those provided for by this Regulation those applications shall only be considered within the limits of the said quantities.

3. Numbers shall be allocated in proportion to the number of head for which application is made. If, because of the numbers for which application is made, the percentage reduction results in fewer than 10 head per import licence, the Member States shall, by drawing lots, allocate licences covering 10 head.

Article 3

In the case of quantities imported under the terms of Article 8 (4) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, the levy shall be collected in full in respect of quantities in excess of those stated on the import licence.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 4

For the purposes of Article 15 (3) of Regulation (EEC) No 2377/80, all applications from one applicant, which relate to the same category of weight and the same rate of reduction in the levy, shall be treated as one application.

Article 5

Three weeks at the latest after import of the livestock referred to in this Regulation, importers shall inform the competent authorities which issued the import licences, of the number and origin of the animals imported. From

Those authorities shall forward that information to the Commission at the beginning of each month.

Article 6

By way of derogation from Article 4(b) of Regulation (EEC) No 2377/80, the term of validity licences issued under this Regulation shall extend for four months from their actual date of issue.

Article 7

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, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 746/92

of 26 March 1992

fixing advance payments in respect of the production levies in the sugar sector
for the 1991/92 marketing year

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾, and in particular Article 28 (8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector⁽³⁾, as last amended by Regulation (EEC) No 886/91⁽⁴⁾, provides for the fixing before 1 April, and the collection before the following 1 June, of the unit amounts to be paid by sugar producers and isoglucose producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28 (3), (4) and (5) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5(1)(b) of Regulation (EEC) No 1443/82 in respect of the 1991/92 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,530 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 9,939 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,424 per 100 kilograms of dry matter.

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, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 90, 11. 4. 1991, p. 15.

COMMISSION REGULATION (EEC) No 747/92

of 26 March 1992

laying down definitive measures on the issuing of STM licences for beef and veal
in trade with 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, and in particular Articles 85 (3) and 252 (3) thereof,

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

Whereas Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted on 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90⁽³⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued every two months;

Whereas STM licences issued in response to applications lodged from 24 to 27 February 1992 in Spain and from 2 to 5 March 1992 in Portugal have exhausted that fraction of the indicative ceiling set aside for the second two months of 1992 for live animals;

Whereas the Commission accordingly adopted, by an emergency procedure, appropriate interim protective measures by Regulations (EEC) No 568/92⁽⁴⁾ and

619/92⁽⁵⁾; whereas definitive measures must be adopted; whereas, in view of the situation of the market, an increase in the indicative ceiling cannot be contemplated;

Whereas, as a definitive measure as referred to in Articles 85 (3) and 252 (3) of the Act of Accession, the issue of STM licences should be definitively discontinued in order to prevent any disturbance on the market;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of STM licences is hereby suspended until 30 April 1992 for live animals of the bovine species, other than purebred breeding animals and animals for bull-fights.
2. Further applications for STM licences may be lodged from 20 April 1992.

Article 2

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

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽⁴⁾ OJ No L 61, 6. 3. 1992, p. 21.

⁽⁵⁾ OJ No L 67, 11. 3. 1992, p. 33.

COMMISSION REGULATION (EEC) No 748/92

of 26 March 1992

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence ;

Whereas Commission Regulation No 474/67/EEC ⁽³⁾, as amended by Regulation (EEC) No 1397/68 ⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice ;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne ; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne ;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76 ; whereas the cif forward delivery price is that determined in accordance with Article 3 (2) of Council Regulation (EEC) No

1428/76 ⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent ;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 March 1992.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 2.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1992 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 3	1st period 4	2nd period 5	3rd period 6
1006 20 11 000	—	—	—	—	—
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	—	—	—	—	—
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	—	—	—	—	—
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	—	—	—	—	—
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 61 900	01	0	0	0	0
	04	0	0	0	0
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0

(ECU/tonne)

Product code	Destination (1)	Current 3	1st period 4	2nd period 5	3rd period 6
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 94 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 96 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows :

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,
- 03 Zones IV, V a), VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87,
- 05 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

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

COMMISSION REGULATION (EEC) No 749/92
of 26 March 1992
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 March 1992.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1992 fixing the export refunds on rice and broken rice

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	195,20
1006 20 15 000	01	195,20
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	195,20
1006 20 96 000	01	195,20
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	195,20
1006 30 25 000	01	195,20
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	195,20
1006 30 46 000	01	195,20
1006 30 48 000	—	—
1006 30 61 100	01	244,00
	02	250,00
	03	255,00
	04	244,00
1006 30 61 900	01	244,00
	04	244,00
1006 30 63 100	01	244,00
	02	250,00
	03	255,00
	04	244,00
1006 30 63 900	01	244,00
	04	244,00
1006 30 65 100	01	244,00
	02	250,00
	03	255,00
	04	244,00
1006 30 65 900	01	244,00
	04	244,00
1006 30 67 100	—	—
1006 30 67 900	—	—

(ECU / tonne)

Product code	Destination (*)	Amount of refunds
1006 30 92 100	01	244,00
	02	250,00
	03	255,00
	04	244,00
1006 30 92 900	01	244,00
	04	244,00
	05	230,00
1006 30 94 100	01	244,00
	02	250,00
	03	255,00
	04	244,00
1006 30 94 900	01	244,00
	04	244,00
	05	230,00
1006 30 96 100	01	244,00
	02	250,00
	03	255,00
	04	244,00
1006 30 96 900	01	244,00
	04	244,00
	05	230,00
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(*) The destinations are identified as follows :

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,
- 03 Zones zones IV, V a), VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87,
- 05 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

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

COMMISSION REGULATION (EEC) No 750/92

of 26 March 1992

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

— the economic aspect of the proposed exports ;

fixing 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 Commission Regulation (EEC) No 374/92⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 1344/86⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of :

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of :

- (a) prices ruling on third country markets ;
- (b) the most favourable prices in third countries of destination for third country imports ;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries ; and
- (d) free-at-Community-frontier offer prices ;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination ;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks ; whereas the amount of the refund may, however, remain at the same level for more than four weeks ;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose ; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community ;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 41, 18. 2. 1992, p. 9.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 61/92⁽²⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended

for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 26 March 1992 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		70,00
0402 10 19 000		70,00
0402 10 91 000		0,7000
0402 10 99 000		0,7000
0402 21 11 200		70,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		112,00
0402 21 17 000		70,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		112,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 29 15 200		0,7000
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,7000
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		70,00
0403 90 13 200		70,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,7000
0403 90 33 200		0,7000
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		1,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		70,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		70,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		70,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		70,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,7000
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,7000
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,7000
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,7000
0404 90 93 130		0,9972
0404 90 93 150		1,0600

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		127,02
0405 00 10 300		159,80
0405 00 10 500		163,90
0405 00 10 700		168,00
0405 00 90 100		168,00
0405 00 90 900		215,32
0406 10 20 100		—
0406 10 20 200		—
0406 10 20 210		—
0406 10 20 230	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 10 20 290	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 10 20 610	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 10 20 620	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 10 20 630	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 10 20 640	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 10 20 650	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 10 20 660		—
0406 10 20 810	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 10 20 830	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 10 20 850	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 10 20 870		—
0406 10 20 900		—
0406 10 80 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95

<i>(in ECU/100 kg net weight unless otherwise indicated)</i>		
Product code	Destination (*)	Amount of refund
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

<i>(in ECU/100 kg net weight unless otherwise indicated)</i>		
Product code	Destination (*)	Amount of refund
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96

<i>(in ECU/100 kg net weight unless otherwise indicated)</i>		
Product code	Destination (*)	Amount of refund
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 93 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		1,50
2309 10 15 300		2,00
2309 10 15 400		2,50
2309 10 15 500		3,00
2309 10 15 700		3,50
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		1,50
2309 10 19 300		2,00
2309 10 19 400		2,50
2309 10 19 500		3,00
2309 10 19 600		3,50
2309 10 19 700		3,75
2309 10 19 800		4,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		21,00
2309 10 70 200		28,00
2309 10 70 300		35,00
2309 10 70 500		42,00
2309 10 70 600		49,00
2309 10 70 700		56,00
2309 10 70 800		61,60
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		1,50
2309 90 35 300		2,00
2309 90 35 400		2,50
2309 90 35 500		3,00
2309 90 35 700		3,50
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
2309 90 39 200		1,50
2309 90 39 300		2,00
2309 90 39 400		2,50
2309 90 39 500		3,00
2309 90 39 600		3,50
2309 90 39 700		3,75
2309 90 39 800		4,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		21,00
2309 90 70 200		28,00
2309 90 70 300		35,00
2309 90 70 500		42,00
2309 90 70 600		49,00
2309 90 70 700		56,00
2309 90 70 800		61,60
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3518/91.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

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

COMMISSION REGULATION (EEC) No 751/92
of 26 March 1992
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors⁽³⁾, as last amended by Regulation (EEC) No 3655/90⁽⁴⁾ and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors⁽⁵⁾, as last amended by Regulation (EEC) No 1398/91⁽⁶⁾, provides that the production refund is to be fixed one per month; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 121,79 per tonne.

Article 2

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 362, 27. 12. 1990, p. 33.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 134, 29. 5. 1991, p. 19.

COMMISSION REGULATION (EEC) No 752/92

of 26 March 1992

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁴⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁵⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁶⁾, as last amended by Regulation (EEC) No 1906/87⁽⁷⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁷⁾ OJ No L 182, 3. 7. 1987, p. 49.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 26 March 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 26 March 1992 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	115,16	1104 23 10 900	—
1102 20 10 300	98,71	1104 29 11 000	77,44
1102 20 10 900	—	1104 29 15 000	—
1102 20 90 100	98,71	1104 29 19 000	—
1102 20 90 900	—	1104 29 91 000	75,92
1102 30 00 000	—	1104 29 95 000	107,79
1102 90 10 100	131,78	1104 30 10 000	18,98
1102 90 10 900	89,61	1104 30 90 000	20,57
1102 90 30 100	168,10	1107 10 11 000	135,14
1102 90 30 900	—	1107 10 91 000	156,37
1103 12 00 100	168,10	1108 11 00 200	151,84
1103 12 00 900	—	1108 11 00 300	151,84
1103 13 10 100	148,07	1108 11 00 800	—
1103 13 10 300	115,16	1108 12 00 200	131,62
1103 13 10 500	98,71	1108 12 00 300	131,62
1103 13 10 900	—	1108 12 00 800	—
1103 13 90 100	98,71	1108 13 00 200	131,62
1103 13 90 900	—	1108 13 00 300	131,62
1103 14 00 000	—	1108 13 00 800	—
1103 19 10 000	107,79	1108 14 00 200	—
1103 19 30 100	136,17	1108 14 00 300	—
1103 19 30 900	—	1108 14 00 800	—
1103 21 00 000	77,44	1108 19 10 200	189,18
1103 29 20 000	89,61	1108 19 10 300	189,18
1103 29 30 000	—	1108 19 10 800	—
1103 29 40 000	—	1108 19 90 200	—
1104 11 90 100	131,78	1108 19 90 300	—
1104 11 90 900	—	1108 19 90 800	—
1104 12 90 100	186,78	1109 00 00 100	0,00
1104 12 90 300	149,42	1109 00 00 900	—
1104 12 90 900	—	1702 30 51 000	171,92
1104 19 10 000	77,44	1702 30 59 000	131,62
1104 19 50 110	131,62	1702 30 91 000	171,92
1104 19 50 130	106,94	1702 30 99 000	131,62
1104 19 50 150	—	1702 40 90 000	131,62
1104 19 50 190	—	1702 90 50 100	171,92
1104 19 50 900	—	1702 90 50 900	131,62
1104 19 91 000	—	1702 90 75 000	180,15
1104 21 10 100	131,78	1702 90 79 000	125,04
1104 21 10 900	—	2106 90 55 000	131,62
1104 21 30 100	131,78	2302 10 10 000	19,68
1104 21 30 900	—	2302 10 90 100	19,68
1104 21 50 100	175,70	2302 10 90 900	—
1104 21 50 300	140,56	2302 20 10 000	19,68
1104 21 50 900	—	2302 20 90 100	19,68
1104 22 10 100	149,42	2302 20 90 900	—
1104 22 10 900	—	2302 30 10 000	19,68
1104 22 30 100	158,76	2302 30 90 000	19,68
1104 22 30 900	—	2302 40 10 000	19,68
1104 22 50 000	—	2302 40 90 000	19,68
1104 23 10 100	123,39	2303 10 11 100	65,81
1104 23 10 300	94,60	2303 10 11 900	—

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

COMMISSION REGULATION (EEC) No 753/92

of 26 March 1992

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EEC) No 944/87⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used

in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 3630/91⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3049/89⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 344, 14. 12. 1991, p. 40.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 292, 11. 10. 1989, p. 10.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽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 the refund must be fixed once a month ;
whereas it may be altered in the intervening period ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 26 March 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 26 March 1992 fixing the export refunds on cereal-based compound feedingstuffs

Product code	Amount of refund (ECU/tonne)
2309 10 11 110	4,11
2309 10 13 110	4,11
2309 10 31 110	4,11
2309 10 33 110	4,11
2309 10 51 110	4,11
2309 10 53 110	4,11
2309 90 31 110	4,11
2309 90 33 110	4,11
2309 90 41 110	4,11
2309 90 43 110	4,11
2309 90 51 110	4,11
2309 90 53 110	4,11
2309 10 11 190	3,91
2309 10 13 190	3,91
2309 10 31 190	3,91
2309 10 33 190	3,91
2309 10 51 190	3,91
2309 10 53 190	3,91
2309 90 31 190	3,91
2309 90 33 190	3,91
2309 90 41 190	3,91
2309 90 43 190	3,91
2309 90 51 190	3,91
2309 90 53 190	3,91
2309 10 11 210	8,23
2309 10 13 210	8,23
2309 10 31 210	8,23
2309 10 33 210	8,23
2309 10 51 210	8,23
2309 10 53 210	8,23
2309 90 31 210	8,23
2309 90 33 210	8,23
2309 90 41 210	8,23
2309 90 43 210	8,23
2309 90 51 210	8,23
2309 90 53 210	8,23
2309 10 11 290	7,81
2309 10 13 290	7,81
2309 10 31 290	7,81
2309 10 33 290	7,81
2309 10 51 290	7,81
2309 10 53 290	7,81
2309 90 31 290	7,81
2309 90 33 290	7,81
2309 90 41 290	7,81
2309 90 43 290	7,81
2309 90 51 290	7,81
2309 90 53 290	7,81
2309 10 11 310	16,45
2309 10 13 310	16,45
2309 10 31 310	16,45
2309 10 33 310	16,45

Product code	Amount of refund (ECU/tonne)
2309 10 51 310	16,45
2309 10 53 310	16,45
2309 90 31 310	16,45
2309 90 33 310	16,45
2309 90 41 310	16,45
2309 90 43 310	16,45
2309 90 51 310	16,45
2309 90 53 310	16,45
2309 10 11 390	15,63
2309 10 13 390	15,63
2309 10 31 390	15,63
2309 10 33 390	15,63
2309 10 51 390	15,63
2309 10 53 390	15,63
2309 90 31 390	15,63
2309 90 33 390	15,63
2309 90 41 390	15,63
2309 90 43 390	15,63
2309 90 51 390	15,63
2309 90 53 390	15,63
2309 10 31 410	24,68
2309 10 33 410	24,68
2309 10 51 410	24,68
2309 10 53 410	24,68
2309 90 41 410	24,68
2309 90 43 410	24,68
2309 90 51 410	24,68
2309 90 53 410	24,68
2309 10 31 490	23,44
2309 10 33 490	23,44
2309 10 51 490	23,44
2309 10 53 490	23,44
2309 90 41 490	23,44
2309 90 43 490	23,44
2309 90 51 490	23,44
2309 90 53 490	23,44
2309 10 31 510	32,90
2309 10 33 510	32,90
2309 10 51 510	32,90
2309 10 53 510	32,90
2309 90 41 510	32,90
2309 90 43 510	32,90
2309 90 51 510	32,90
2309 90 53 510	32,90
2309 10 31 590	31,25
2309 10 33 590	31,25
2309 10 51 590	31,25
2309 10 53 590	31,25
2309 90 41 590	31,25
2309 90 43 590	31,25
2309 90 51 590	31,25
2309 90 53 590	31,25
2309 10 31 610	41,13
2309 10 33 610	41,13
2309 10 51 610	41,13
2309 10 53 610	41,13
2309 90 41 610	41,13
2309 90 43 610	41,13

(ECU/tonne)

Product code	Amount of refund
2309 90 51 610	41,13
2309 90 53 610	41,13
2309 10 31 690	39,07
2309 10 33 690	39,07
2309 10 51 690	39,07
2309 10 53 690	39,07
2309 90 41 690	39,07
2309 90 43 690	39,07
2309 90 51 690	39,07
2309 90 53 690	39,07
2309 10 51 710	49,36
2309 10 53 710	49,36
2309 90 51 710	49,36
2309 90 53 710	49,36
2309 10 51 790	46,88
2309 10 53 790	46,88
2309 90 51 790	46,88
2309 90 53 790	46,88
2309 10 51 810	57,58
2309 10 53 810	57,58
2309 90 51 810	57,58
2309 90 53 810	57,58
2309 10 51 890	54,69
2309 10 53 890	54,69
2309 90 51 890	54,69
2309 90 53 890	54,69

The refunds in the above table are valid for the following destinations :

Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77 and Greenland.

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

There are no refunds for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 not included in the above table.

COMMISSION REGULATION (EEC) No 754/92

of 26 March 1992

suspending advance fixing of export refunds on certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

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 first sub-paragraph of Article 16 (7) thereof,

Having regard to Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, and in particular the first sub-paragraph of Article 5 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽⁵⁾, as last amended by Regulation (EEC) No 1806/89⁽⁶⁾ and in particular the second sub-paragraph of Article 17 (7) thereof,

Whereas Article 16 (7) of Regulation (EEC) No 2727/75, Article 5 (3) of Regulation (EEC) No 3035/80 and

Article 17 (7) of Regulation (EEC) No 1418/76 make provision for advance fixing of the refund to be suspended for basic products exported in the form of certain goods;

Whereas the situation on certain markets may make it necessary for the refunds on certain products to be adjusted; whereas in order to prevent applications for advance fixing of refunds for speculative purposes, the abovementioned advance fixing should be suspended until this adjustment comes into force,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of export refunds on cereals and rice, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, is suspended until 31 March 1992 inclusive.

Article 2

This Regulation shall enter into force on 27 March 1992.

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

Done at Brussels, 26 March 1992.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁶⁾ OJ No L 177, 24. 6. 1989, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE 92/17/EEC

of 17 March 1992

amending Directive 66/403/EEC on the marketing of seed potatoes

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

Having regard to Council Directive 66/403/EEC⁽¹⁾ of 14 June 1966 on the marketing of seed potatoes, as last amended by Commission Directive 91/127/EEC⁽²⁾, and in particular Article 15 (2a) thereof,

Whereas in principle, with effect from certain dates, Member States may no longer determine for themselves the equivalence of seed potatoes harvested in third countries with seed potatoes harvested within the Community and complying with that Directive;

Whereas, however, since work to establish Community equivalence for all the third countries concerned had not been completed, Article 15 (2a) of that Directive permitted Member States to extend to 31 March 1991 the period of validity of equivalence which they had already determined in respect of certain countries not covered by the Community equivalences;

Whereas the said work is still incomplete;

Whereas the authorization may only be extended in accordance with Member States' obligations under the common rules on plant health, laid down by Council Directive 77/93/EEC⁽³⁾;

Whereas by Commission Decisions 91/591/EEC⁽⁴⁾ and 91/592/EEC⁽⁵⁾ derogations provided for by certain Member States from certain provisions of Directive 77/93/EEC in respect of seed potatoes originating in Poland and Canada respectively have been approved until 31 March 1992;

Whereas the authorization granted to Member States by Article 15 (2a) should accordingly be extended;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 15 (2a) of Directive 66/403/EEC, '31 March 1991' is replaced by '31 March 1992'.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 17 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2320/66.

⁽²⁾ OJ No L 60, 7. 3. 1991, p. 18.

⁽³⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽⁴⁾ OJ No L 316, 16. 11. 1991, p. 43.

⁽⁵⁾ OJ No L 316, 16. 11. 1991, p. 45.

COMMISSION DECISION

of 23 March 1992

**terminating the anti-dumping proceeding concerning imports of cotton yarn
originating in Egypt**

(92/179/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 sub-
sidized imports from countries not members of the Euro-
pean Economic Community ⁽¹⁾ and in particular Article 9
thereof,

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

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC)
No 2818/91 ⁽²⁾, imposed a provisional anti-
dumping duty on imports into the Community of
cotton yarn originating in Brazil, Egypt and Turkey
and terminated the anti-dumping proceeding in
respect of this product originating in India and
Thailand. The Council, by Regulation (EEC)
No 171/92 ⁽³⁾, extended this duty for a period not
exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-
dumping duty, the interested parties who so
requested were granted an opportunity to be heard
by the Commission. They also made written
submissions making known their views on the
findings.
- (3) The parties were informed of the essential facts and
considerations on the basis of which it was
intended to recommend the imposition of defini-
tive duties and the definitive collection of the
amount secured by way of a provisional duty. They
were also granted a period within which to make
representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the
parties were considered and, where appropriate, the
Commission's findings were modified to take
account of them.
- (5) Due to the complexity of the procedure and the
other reasons indicated in recital 11 of Regulation

(EEC) No 2818/91, the investigation could not be
concluded within the time period mentioned in
Article 7 (9) (a) of Regulation (EEC) No 2433/88.

C. DUMPING

- (6) By Regulation (EEC) No 171/92 the Council
concluded that cotton yarn prices of imports from
Egypt were not significantly dumped.

D. INJURY

- (7) In view of the above conclusion on dumping, the
Commission considers it unnecessary to examine
further the question of injury relating to the
imports of cotton yarn from Egypt.

E. TERMINATION OF THE PROCEEDING

- (8) After being informed by the Commission of the
above findings, the complainant made further
representations concerning the determination of
the dumping margins in respect of the imports in
question. The Commission considered these repre-
sentations, but concluded that effectively no new
information or arguments had been submitted and
that accordingly its findings should stand.

In these circumstances, protective measures are
considered to be unnecessary and the proceeding
should accordingly be terminated,

HAS DECIDED AS FOLLOWS :

Sole Article

1. The anti-dumping proceeding concerning imports
of cotton yarn falling within CN codes 5205 11 00 to
5205 45 90 and 5206 11 00 to 5206 45 90 and originating
in Egypt is hereby terminated.
2. The amounts secured by way of provisional anti-
dumping duty under Regulation (EEC) No 2818/91
concerning the imports referred to in paragraph 1 shall be
released.

Done at Brussels, 23 March 1992.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 271, 27. 9. 1991, p. 17.

⁽³⁾ OJ No L 18, 25. 1. 1992, p. 33.