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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 64/93

of 15 January 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission

Regulation (EEC) No 3873/92 ⁽⁶⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 14 January 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3873/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 1993.

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

Done at Brussels, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 15 January 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	134,67 ⁽²⁾ ⁽³⁾
0712 90 19	134,67 ⁽²⁾ ⁽³⁾
1001 10 00	173,97 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	140,25
1001 90 99	140,25 ⁽¹¹⁾
1002 00 00	157,03 ⁽⁶⁾
1003 00 10	124,22
1003 00 20	124,22
1003 00 80	124,22 ⁽¹¹⁾
1004 00 00	113,46
1005 10 90	134,67 ⁽²⁾ ⁽³⁾
1005 90 00	134,67 ⁽²⁾ ⁽³⁾
1007 00 90	134,67 ⁽⁴⁾
1008 10 00	45,96 ⁽¹¹⁾
1008 20 00	78,62 ⁽⁴⁾
1008 30 00	36,31 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	36,31
1101 00 00	209,11 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	232,60 ⁽⁸⁾
1103 11 30	281,28 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	281,28 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	224,85 ⁽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 65/93**of 15 January 1993****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92⁽⁶⁾ and subsequent amending Regulations;

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

rate established during the reference period from 14 January 1993, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 1993.

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

Done at Brussels, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 15 January 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0,31
0712 90 19	0	0	0	0,31
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0,31
1005 90 00	0	0	0	0,31
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

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

COMMISSION REGULATION (EEC) No 66/93

of 15 January 1993

opening an invitation to tender for the reduction in the levy on maize imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1992⁽¹⁾, as last amended by Regulation (EEC) No 3875/92⁽²⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize into Spain in the years 1987 to 1992; whereas by Regulation (EEC) No 3919/91⁽³⁾ extending the measures taken under the abovementioned agreement, the Council approved the extension of that agreement to 1992, that extension being without prejudice to the rights and obligations arising from the original agreement;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 1799/87, the levy reduction is to be applied to maize imported into Spain under cover of a licence valid in that Member State alone;

Whereas the specific additional rules required for administering the invitation to tender should be laid down, including in particular rules on the lodging by operators and the release of securities against fulfilment of their obligations, and in particular the obligation to process or use the imported product in Spain;

Whereas it is impossible for all the quantities of maize and grain sorghum concerned to be imported into Spain by 28 February 1993 as provided for in the Agreement; whereas Article 6 of Regulation (EEC) No 1799/87 should therefore be applied and the quantities for 1992 should be imported during the period 1 January to 30 April 1993;

Whereas, with a view to avoiding any disturbances on the Spanish market, the staggering of imports until the month of April should be facilitated; whereas the reduction in the levy should, for that purpose, be increased by the amount of the monthly increases;

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

Article 1

1. An invitation to tender is hereby opened for the reduction in the import levy on maize to be imported into Spain.

2. The invitation to tender shall be open until 1 April 1993. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the competent authority against a receipt or forwarded to that authority by telex, telegram or telefax.

2. Tenders shall indicate:

- the weekly invitation in response to which they are made,
- the name and exact address of the tenderer, with telex or telefax number,
- the type and quantity of the product to be imported,
- the reduction in the import levy proposed, in ecus per tonne,
- the origin of the maize to be imported.

3. Tenders shall be valid only if:

- (a) they do not exceed the maximum quantity available for each closing date for the submission of applications;
- (b) evidence is provided before expiry of the time limit for submission that the tenderer has lodged a security for an amount per tonne equal to that of the reduction proposed in the tender;
- (c) they are accompanied by a written undertaking to lodge with the competent authority within two days of receipt of notification of award as mentioned in Article 4 (3) an application for an import licence for the quantities awarded together with an application for advance fixing of the levy at the reduced rate proposed in the tender and an application for advance fixing of the Spanish monetary compensatory amounts;
- (d) they are for at least 25 000 tonnes.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 391, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 372, 31. 12. 1991, p. 35.

4. Tenders not meeting the requirements set out in paragraph 1, 2 and 3 or incorporating terms other than those provided for in the invitation to tender shall not be valid.

5. Once submitted, tenders may not be withdrawn.

Article 3

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾ import licences shall, for the purposes of determining their term of validity, be deemed to have been issued on the closing date for the submission of tenders.

2. Import licences issued in connection with awards made under this invitation to tender shall be valid from the date on which they are issued within the meaning of paragraph 1, until 30 April 1993.

3. Notwithstanding Article 2 (2) of Commission Regulation (EEC) No 891/89 ⁽²⁾, Article 5 (2) of Commission Regulation (EEC) No 3105/87 ⁽³⁾ shall apply in respect of licences issued under this Regulation.

4. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights conferred by import licences shall not be transferable.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 ⁽⁴⁾;

- either to set a maximum reduction in the import levy, or
- to make no awards.

Where a maximum reduction in the import levy is set, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. The amount of the reduction in the levy awarded in accordance with paragraph 1 is increased by:

- ECU 1,5 per tonne for maize imported during the month of February 1993,
- ECU 3,0 per tonne for maize imported during the month of March 1993,

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽³⁾ OJ No L 294, 17. 10. 1987, p. 15.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

— ECU 4,5 per tonne for maize imported during the month of April 1993.

3. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (c) within the time limit laid down, a licence shall be issued for the quantities for which he has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (c) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. The tendering security shall be released:

- (a) where the tender is not accepted;
- (b) where the tenderer provides evidence by means of a sales invoice to a processor or consumer in Spain that the products imported have been processed or used in Spain;
- (c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected to reasons of *force majeure*.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Article 7

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than two hours after the time limit laid down in the notice of invitation to tender. They must be forwarded in the form shown in the Annex.

Should no tenders be received, Spain shall inform the Commission within the same period as that referred to in the first paragraph.

Article 8

The times for the purposes of this Regulation shall be Brussels time.

Article 9

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, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

Weekly invitation to tender for the reduction in the levy on grain maize imported from third countries

(Regulation (EEC) No 66/93)

Deadline for submission of tenders (date/time)

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

COMMISSION REGULATION (EEC) No 67/93

of 15 January 1993

amending Regulation (EEC) No 2670/81 for laying down detailed implementing rules in respect of sugar production in excess of the quota

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 3484/92 ⁽²⁾, and in particular Article 26 (3) thereof,

Whereas Article 2 (3) of Commission Regulation (EEC) No 2670/81 of 14 September 1981 laying down detailed implementing rules in respect of sugar produced in excess of the quota ⁽³⁾, as last amended by Regulation (EEC) No 2177/92 ⁽⁴⁾, provides that the putting up of C white sugar produced under the 1990/91 marketing year in one kilogram bags for exportation by a recognized charitable organization is not to be considered as substitution and hence not to give rise to payment of the amount that the Community rules impose where substitution occurs; whereas this provision was restricted experimentally to a marketing year; whereas experience has shown that this exception is of great utility and has no adverse effect on the sugar market; whereas the provision should therefore be made permanent;

Whereas the requirements of charitable organizations are particularly pressing in winter; whereas large stocks of C sugar are available at this time; whereas it is accordingly desirable to make the exception apply to C sugar production of the 1992/93 marketing year onwards;

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 words 'produced under the 1990/91 marketing year' are hereby deleted from Article 2 (3) of Regulation (EEC) No 2670/81.

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, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 3. 12. 1992, p. 8.

⁽³⁾ OJ No L 262, 16. 9. 1981, p. 14.

⁽⁴⁾ OJ No L 217, 31. 7. 1992, p. 71.

COMMISSION REGULATION (EEC) No 68/93

of 15 January 1993

opening an invitation to tender for the reduction in the levy on grain sorghum
imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1992⁽¹⁾, as last amended by Regulation (EEC) No 3875/92⁽²⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of grain sorghum into Spain in the years 1987 to 1992; whereas by Regulation (EEC) 3919/91⁽³⁾ extending the measures taken under the abovementioned agreement, the Council approved the extension of that agreement to 1992, that extension being without prejudice to the rights and obligations arising from the original agreement;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 1799/87, the levy reduction is to be applied to grain sorghum imported into Spain under cover of a licence valid in that Member State alone;

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agriculture products and certain goods resulting from the processing of agriculture products originating in the ACP States or in the overseas countries and territories (OCT)⁽⁴⁾, as last amended by Regulation (EEC) No 523/91⁽⁵⁾, provides in particular for a reduction of 60 % in the levy applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota;

Whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined benefits should be ruled out for the sake of the satisfactory functioning of the invitation to tender;

Whereas specific additional rules required for administering the invitation to tender should be laid down, including in particular rules on the lodging by operators and the release of securities against fulfilment of their

obligations, and in particular the obligation to process or use the imported product in Spain;

Whereas it is impossible for all the quantities of maize and grain sorghum concerned to be imported into Spain by 28 February 1993 as provided for in the Agreement; whereas Article 6 of Regulation (EEC) No 1799/87 should therefore be applied and the quantities for 1992 should be imported during the period 1 January to 30 April 1993;

Whereas, with a view to avoiding any disturbances on the Spanish market, the staggering of imports until the month of April should be facilitated; whereas the reduction in the levy should, for that purpose, be increased by the amount of the monthly increases;

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

1. An invitation to tender is hereby opened for the reduction in the import levy on grain sorghum to be imported into Spain.
2. Under this invitation to tender, the reduction in the import levy on grain sorghum provided for in Article 11 of Regulation (EEC) No 715/90 shall not apply.
3. The invitation to tender shall be open until 1 April 1993. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the competent authority against a receipt or forwarded to that authority by telex, telegram or telefax.
2. Tenders shall indicate:
 - the weekly invitation in response to which they are made,
 - the name and exact address of the tenderer, with telex or telefax number,
 - the type and quantity of the product to be imported,
 - the reduction in the import levy proposed, in ecus per tonne,
 - the origin of the grain sorghum to be imported.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 391, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 372, 31. 12. 1991, p. 35.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 58, 5. 3. 1991, p. 1.

3. Tenders shall be valid only if:

- (a) they do not exceed the maximum quantity available for each closing date for the submission of applications;
- (b) evidence is provided before expiry of the time limit for submission that the tenderer has lodged a security for an amount per tonne equal to that of the reduction proposed in the tender;
- (c) they are accompanied by a written undertaking to lodge with the competent authority within two days of receipt of notification of award as mentioned in Article 4 (2) an application for an import licence for the quantities awarded together with an application for advance fixing of the levy at the reduced rate proposed in the tender and an application for advance fixing of the Spanish monetary compensatory amounts;
- (d) they are for at least 10 000 tonnes.

4. Tenders not meeting the requirements set out in paragraph 1, 2 and 3 or incorporating terms other than those provided for in the invitation to tender shall not be valid.

5. Once submitted, tenders may not be withdrawn.

Article 3

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾ import licences shall, for the purposes of determining their term of validity, be deemed to have been issued on the closing date for the submission of tenders.

2. Import licences issued in connection with awards made under this invitation to tender shall be valid from the date on which they are issued within the meaning of paragraph 1, until 30 April 1993.

3. Notwithstanding Article 2 (2) of Commission Regulation (EEC) No 891/89 ⁽²⁾, Article 5 (2) of Commission Regulation (EEC) No 3105/87 ⁽³⁾ shall apply in respect of licences issued under this Regulation.

4. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights conferred by import licences shall not be transferable.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽³⁾ OJ No L 294, 17. 10. 1987, p. 15.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 ⁽¹⁾:

- either to set a maximum reduction in the import levy, or
- to make no awards.

Where a maximum reduction in the import levy is set, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. The amount of the reduction in the levy awarded in accordance with paragraph 1 is increased by:

- ECU 1,5 per tonne for sorghum imported during the month of January 1993,
- ECU 3,0 per tonne for sorghum imported during the month of February 1993,
- ECU 4,5 per tonne for sorghum imported during the month of March 1993.

3. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (c) within the time limit laid down, a licence shall be issued for the quantities for which he has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (c) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. The tendering security shall be released:

- (a) where the tender is not accepted;
- (b) where the tenderer provides evidence by means of a sales invoice to a processor or consumer in Spain that the products imported have been processed or used in Spain;
- (c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected for reasons of *force majeure*.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Should no tenders be received, Spain shall inform the Commission within the same period as that referred to in the first paragraph.

Article 8

Article 7

The times for the purposes of this Regulation shall be Brussels time.

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than two hours after the time limit laid down in the notice of invitation to tender. They must be forwarded in the form shown in the Annex.

Article 9

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, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

Weekly invitation to tender for the reduction in the levy on grain sorghum imported from third countries

(Regulation (EEC) No 68/93)

Deadline for submission of tenders (date/time)

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

COMMISSION REGULATION (EEC) No 69/93

of 15 January 1993

fixing the maximum buying-in price and the quantities of beef bought in for the 83rd partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3661/92 ⁽²⁾, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 3891/92 ⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EEC) No 28/93 ⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus the amount mentioned in paragraph 1; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 83rd partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for,

several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

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

For the 83rd partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 254,85 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 9 961 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 254,85 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 17 326 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89,
- the maximum buying-in price per 100 kilograms of carcasses or half-carcasses of quality R3 is hereby fixed at:
 - ECU 247,699 in Ireland,
 - ECU 232,885 in Northern Ireland.

Article 2

This Regulation shall enter into force on 18 January 1993.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 19. 12. 1992, p. 16.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 391, 31. 12. 1992, p. 57.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 5, 9. 1. 1993, p. 12.

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

Done at Brussels, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 70/93

of 15 January 1993

on import licences for milk and milk products originating in the African,
Caribbean and Pacific States (ACP States)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural goods originating in the ACP
States or in the overseas countries and territories (OCT) ⁽¹⁾,
as last amended by Regulation (EEC) No 444/92 ⁽²⁾, and
in particular Article 27 thereof,Whereas Article 4 (4) of Commission Regulation (EEC)
No 1150/90 ⁽³⁾, as amended by Regulation (EEC) No
2975/90 ⁽⁴⁾, provides that the Commission is to decide to
what extent quantities may be awarded in respect of
applications for import licences; whereas, however,
imports must not exceed the quotas;Whereas a single licence application was lodged from 1 to
10 January 1993;Whereas Article 4 (4) of Regulation (EEC) No 1150/90
provides that if the total quantity for which applications
have been submitted is less than that available the
Commission is to calculate the quantity remaining, whichis to be added to that available for the following half;
whereas under these circumstances the quantity available
for the second half of 1993 of the products referred to in
Article 7 of Regulation (EEC) No 715/90 should be deter-
mined,

HAS ADOPTED THIS REGULATION:

*Article 1*1. Licence applications lodged pursuant to Article 4 of
Regulation (EEC) No 1150/90 from 1 to 10 January 1993
are hereby accepted.2. Further licence applications may be lodged during
the first 10 days of July 1993 for the following quantities:

- 500 tonnes of products falling within CN code 0402,
- 496 tonnes of products falling within CN code 0406.

*Article 2*This Regulation shall enter into force on 16 January
1993.This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.⁽⁴⁾ OJ No L 283, 16. 10. 1990, p. 16.

COMMISSION REGULATION (EEC) No 71/93

of 15 January 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

increases in the threshold price was fixed by Council Regulation (EEC) No 1752/92⁽⁸⁾;

Whereas the abatement of the subsidy which arises from the system of maximum guaranteed quantities for the 1992/93 year, has been fixed by Commission Regulation (EEC) No 2512/92⁽⁹⁾, as amended by Regulation (EEC) No 2752/92⁽¹⁰⁾;

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

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas Commission Regulation (EEC) No 3328/92⁽¹⁴⁾ limits the validity of the certificate provided for in Article 4 of Council Regulation (EEC) No 2036/82 to 30 June 1993;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁵⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽¹⁶⁾;

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

⁽¹⁾ OJ No L 180, 1. 7. 1992, p. 20.

⁽²⁾ OJ No L 250, 29. 8. 1992, p. 15.

⁽³⁾ OJ No L 279, 23. 9. 1992, p. 18.

⁽⁴⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽⁵⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽⁶⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽⁷⁾ OJ No L 334, 19. 11. 1992, p. 17.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 17.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 179, 1. 7. 1992, p. 120.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 180, 1. 7. 1992, p. 18.

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91⁽¹⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas Article 26a of Regulation (EEC) No 3540/92 has been repealed in accordance with Article 2 of Regulation (EEC) No 3820/92⁽²⁾; whereas the Commission therefore publishes in the *Official Journal of the European*

Communities only the gross amount of aid, expressed in ecus, to be granted for 100 kilograms of the product, as soon as it is fixed; whereas the gross aid in ecus resulting from Article 3 of Regulation (EEC) No 1431/82 is to be converted directly into the national currencies at the agricultural conversion rate valid on the day of identification in the Member State in which the products are used,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 January 1993.

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

Done at Brussels, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 22.

ANNEX

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current	1st period	2nd period	3rd period	4th period	5th period
	1	2	3	4	5	6
Peas used :						
— in Portugal	11,350	11,508	11,666	11,824	11,824	11,824
— in another Member State	11,350	11,508	11,666	11,824	11,824	11,824
Field beans used :						
— in Portugal	11,350	11,508	11,666	11,824	11,824	11,824
— in another Member State	11,350	11,508	11,666	11,824	11,824	11,824

Products used in animal feed :

(ECU per 100 kg)

	Current	1st period	2nd period	3rd period	4th period	5th period
	1	2	3	4	5	6
A. Peas used :						
— in Portugal	11,207	11,365	12,008	12,557	12,776	12,776
— in another Member State	11,207	11,365	12,008	12,557	12,776	12,776
B. Field beans used :						
— in Portugal	11,207	11,365	12,008	12,557	12,776	12,776
— in another Member State	11,207	11,365	12,008	12,557	12,776	12,776
C. Sweet lupins used :						
— in Portugal	13,454	13,454	14,102	14,624	14,917	14,917
— in another Member State	13,454	13,454	14,102	14,624	14,917	14,917

COMMISSION REGULATION (EEC) No 72/93
of 15 January 1993
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in
particular paragraphs 3 and 10 of Protocol 4 thereto, as
amended by the Act of Accession of Spain and Portugal,
and in particular Protocol 14 annexed thereto, and
Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81
of 27 July 1981 laying down the general rules for the
system of aid for cotton⁽²⁾, as last amended by Regulation
(EEC) No 2053/92⁽³⁾, and in particular Article 5 (1)
thereof,

Whereas the amount of the additional aid referred to in
Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by
Commission Regulation (EEC) No 3868/92⁽⁴⁾, as last
amended by Regulation (EEC) No 37/93⁽⁵⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 3868/92 to
the information at present available to the Commission
that the amount of the aid at present in force should be
altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of
Regulation (EEC) No 2169/81 shall be ECU 70,827 per
100 kilograms.

Article 2

This Regulation shall enter into force on 16 January
1993.

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

Done at Brussels, 15 January 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 215, 30. 7. 1992, p. 12.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 106.

⁽⁵⁾ OJ No L 6, 12. 1. 1993, p. 7.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 December 1992

establishing specific common programmes for the vocational training of customs officials, with regard to inward processing, temporary admission and transit (Matthaeus programme)

(93/15/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 91/341/EEC of 20 June 1991 on the adoption of a Community programme of action on the subject of the vocational training of customs officials (Matthaeus)⁽¹⁾, and in particular point 7 of Annex III thereof,

Whereas under the terms of Article 4 (c) of Decision 91/341/EEC the Commission is called on to establish common vocational training programmes for customs officials;

Whereas these common programmes are essential in order to achieve the objectives pursued by the Matthaeus programme, and, in particular, that concerned with the uniform application of Community law at the external frontiers of the Community;

Whereas these common programmes are rendered necessary by the diversity of teaching currently given in the customs schools of the Member States;

Whereas a common vocational training programme for officials in initial training has already been adopted by Commission Decision 92/39/EEC⁽²⁾;

Whereas specific common further training and specialized programmes, carried out in the customs schools in conjunction with the initial common programme, will

reinforce the establishment of an identical training in customs matters throughout the Community;

Whereas such specific common programmes will concern officials already having had some vocational experience;

Whereas three specific common programmes, relating to inward processing, temporary admission and transit, are necessary given the economic importance of those procedures and will allow the uniform application in the Community of the customs rules in question, whilst also ensuring the proper functioning of the single market;

Whereas the officials to whom these specific common training programmes will be given must, through their work experience, be able to derive full benefit from the programmes, and thereby ensure better application of the relevant Community customs law in the future;

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

HAS ADOPTED THIS DECISION:

Article 1

Three specific common training programmes, hereinafter referred to as 'the specific programmes', intended for customs officials and the contents of which are described respectively in Annexes I, II and III, shall be put into effect in the customs schools of the Member States.

⁽¹⁾ OJ No L 187, 13. 7. 1991, p. 41.

⁽²⁾ OJ No L 16, 23. 1. 1992, p. 14.

Article 2

For the purposes of this Decision :

1. 'customs schools' means all establishments in which teaching relating to vocational training is given to customs officials,
2. 'officials already having vocational experience' means officials who have already received initial training within the meaning of point 2 of Article 2 of Decision 92/39/EEC or alternatively those officials possessing sufficient general customs knowledge to be able to study in depth the matters considered in the specific programmes.

Article 3

The specific programmes are intended for customs officials responsible for the application of that part of Community law covered by the programmes and already having vocational experience, wherever they carry out their tasks.

Article 4

The teaching of the specific programmes must be spread over a period adequate enough to allow the trained officials to be fully operational in the future application of the procedures concerned.

Article 5

Each Member State shall send to the Commission the arrangements and methods used for the application of the specific programmes.

Article 6

The application of the specific programmes does not prevent the teaching of supplementary national programmes in customs schools.

Article 7

Member States shall apply the specific programmes with effect from 1 January 1993.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

*ANNEX I***Specific programme : inward processing relief (IPR)****1. GENERAL**

- 1.1. IPR in the context of Community law, the GATT and the Kyoto Convention.
- 1.2. Economic aspects of IPR in the light of competition policy on exports from the customs territory of the Community. Advantages in terms of import duties and taxes and, for the suspension system, commercial policy measures.
- 1.3. Connections between IPR and CAP Exclusions.
- 1.4. IPR in specific situations (strategic goods, embargo, exports of chemical products which may be used for arms, etc).

2. SUSPENSION AND DRAWBACK SYSTEMS

- 2.1. Features common to both systems.
- 2.2. Mechanics of the suspension system.
- 2.3. Mechanics of the drawback system.
- 2.4. Re-export of goods in an unaltered state and the relationship between the drawback system and possibilities for repayment or remission of import duties.
- 2.5. Choice of system.

3. EQUIPMENT COMPENSATION

- 3.1. Economic advantages of equivalent compensation.
- 3.2. The concept of equivalent goods (appreciation of equivalence, sensitivity, criteria, controls in respect of conditions).
- 3.3. Bans and restrictions.

4. IM/EX AND EX/IM PROCEDURES

- 4.1. The economic advantages of the EX/IM procedure.
- 4.2. Triangular traffic.

5. SPECIFIC RULES GOVERNING EQUIVALENT COMPENSATION AND PRIOR EXPORTATION

- 5.1. Eligibility criteria for equivalent compensation. Special difficulty of establishing exact equivalence, particularly as regards agricultural products.
- 5.2. Time at which conditions for use of these procedures are established.
- 5.3. Equivalent goods which are more highly processed than imported goods.
- 5.4. Change in customs position. The moment at which the changes take place.
- 5.5. Change in the customs position for agricultural products having no effect on agricultural rebates.

6. CONDITIONS FOR USE OF THE PROCEDURE

- 6.1. Conditions applying to individuals. Establishment in the Community. Non-commercial operations. Industrialists and traders. Holders of the authorization and operators. The control of guarantees for eligibility.
- 6.2. Identification of goods and identification of conditions for equivalent compensation.
- 6.3. Economic conditions. Cases in which economic conditions are held to be satisfied, in terms of types of operation and in terms of goods. Other cases in which economic conditions are or may be held to be satisfied. Supporting evidence to be supplied by applicants.
- 6.4. Conditions for agricultural products subject to price regulation or minimum price systems.
- 6.5. Special conditions for using the procedure with the drawback system.

7. APPLICATION AND AUTHORIZATION

- 7.1. Information to be supplied with applications. Supporting documents. Time limit for presenting applications.
- 7.2. Checking the information supplied and the existence of guarantees in relation to the applicant and the operator. Checking that it is possible to carry out processing operations on the quantity of products specified in the application.
- 7.3. Particulars that must feature in authorizations. Particulars that may be established after authorization has been issued.
- 7.4. Relation between the issue of the authorization and the placing of the import goods under IPR.
- 7.5. Simplified procedure for issuing authorizations. Cases in which this procedure may be used and conditions.
- 7.6. Date on which authorization takes effect.
- 7.7. Authorization renewals and amendments.
- 7.8. Obligations of authorization holders in the event of certain changes of circumstances.
- 7.9. Cancellation or revocation of an authorization.

8. TIME LIMITS

- 8.1. Period of validity of authorization and review of economic conditions.
- 8.2. Period allowed for re-exportation (IM/EX). The importance of setting this period correctly, given the repercussions for other related provisions (such as annual or quarterly aggregation of discharge).
- 8.3. Period allowed for placing goods subject to the procedure under the prior exportation procedure.
- 8.4. Period allowed for submitting the bill of discharge.
- 8.5. Period allowed for lodging repayment claim.
- 8.6. Period for retention of supporting documents.

9. RATE OF YIELD

- 9.1. Difficulties involved in setting the rate of yield.
- 9.2. Using the accounts of the holder of the authorization.
- 9.3. Real rates.
- 9.4. Standard rates. Conditions for their use. Relation with agricultural refund coefficients.

10. PLACING GOODS UNDER THE PROCEDURE AND THE USE OF THE DRAWBACK SYSTEM

- 10.1. Placing goods under the arrangements using the suspension system. Identifying import goods in the light of the descriptions given in the authorization.
- 10.2. Declaration for release for free circulation in the context of the drawback system.
- 10.3. Simplified procedure for issuing authorizations, document to be appended to the declaration of entry for the procedure (suspension system) or to the declaration for release for free circulation (drawback system).
- 10.4. Providing security.
- 10.5. Three simplified procedures for placing goods under the procedure (suspension system) or releasing them for free circulation (drawback system).

11. CHECKS CARRIED OUT DURING PROCESSING

- 11.1. Accounting and physical checks.
- 11.2. Checks specific to the type of processing involved (risk analysis).

12. OUTWARD PROCESSING IN THE CONTEXT OF INWARD PROCESSING**13. EXPORT OF GOODS FROM THE CUSTOMS TERRITORY OF THE COMMUNITY AND OTHER CUSTOMS-APPROVED DESTINATIONS WITH A VIEW TO EXPORT**

- 13.1. Under the suspension system (compensating products and goods in an unaltered state) and the drawback system (compensating products).
- 13.2. Customs destinations equivalent to exportation, including deliveries of civilian aircraft to airlines established on Community customs territory, and repairs, alterations and modifications carried out on civilian aircraft in the context of an inward processing operation.

- 13.3. Normal procedures for export from the customs territory of the Community or placing of goods in customs warehouses, free zones or free warehouses, or under temporary importation or external Community transit procedure with a view to subsequently exporting them :
- periods allowed,
 - checking and identifying goods,
 - checking and identifying compensation products (or goods in an unaltered state under the suspension system) against the descriptions and specifications given in the authorization,
 - specific checks for use with equivalent compensation and/or prior exportation,
 - administrative cooperation methods covering the placing of goods in customs warehouses or free zones, or under temporary importation or external Community transit procedure with a view to subsequent export from the customs territory of the Community,
 - the three simplified procedures for carrying out the above customs treatments.
- 13.4. Placing goods under the inward processing procedure a second time, in the same Member State or in another Member State.
- 13.5. Releasing compensation products or goods in an unaltered state (suspension system) for free circulation :
- releasing secondary compensating-products (including waste and scrap) for free circulation,
 - circumstances justifying the release of main compensating products for free circulation, and the link with payment of compensatory interest,
 - global authorizations to release goods for free circulation and the placing of products on the Community market (equivalent to release for free circulation),
 - applying commercial policy measures,
 - the three simplified procedures for release for free circulation,
 - destroying goods or abandoning them to the exchequer,
 - releasing goods for free circulation under the procedure for processing under customs control.
14. DISCHARGE
- 14.1. When to calculate the proportion of import goods incorporated in compensating products. The different methods of calculation.
- 14.2. Bills of discharge and their contents. Supporting documents.
- 14.3. Monthly or quarterly aggregation.
15. TAXATION WHERE A CUSTOMS DEBT IS INCURRED
- 15.1. Cases in which a customs debt is incurred.
- 15.2. 'Upstream' and 'downstream' taxation and its limitations. Applying the list (proportionality rule).
- 15.3. Application of compensatory interest, including the underlying principle, the rates to be used, the period to be taken into consideration, the application of the FIFO system in cases of aggregation, and cases in which compensatory interest is not applied.
- 15.4. Taxing waste and scrap.
- 15.5. Taxation on intermediary outward processing.
16. REPAYMENT CLAIM(S) (DRAWBACK SYSTEM)
- 16.1. Applying the allocation rules.
- 16.2. Contents of a repayment claim. Supporting documents.
17. SIMPLIFICATION OF THE PROCEDURES FOR INWARD PROCESSING OPERATIONS CARRIED OUT UNDER CERTAIN CONDITIONS IN CUSTOMS WAREHOUSE PREMISES TYPES A, C AND D), OR IN A FREE ZONE OR FREE WAREHOUSE
18. SPECIAL INWARD PROCESSING ARRANGEMENTS FOR THE EXPORTATION OF PASTA PRODUCTS UNDER THE EEC-USA ARRANGEMENT

ANNEX II**Specific programme : temporary importation procedure****1. GENERAL**

- 1.1. Economic justification for the procedure *vis-à-vis* importers of third country goods into the EEC and Community businesses.
- 1.2. International implications of the procedure : the importance and scope of international conventions.
- 1.3. Principal groups of goods targeted by the procedure in terms of Community legislation and the principles governing the placing of goods under this procedure.

2. CONTAINERS

- 2.1. Authorization to use the procedure ; placing of goods under the procedure.
 - 2.1.1. Principle : no formalities for containers whether or not they are authorized to carry goods under customs seal and bearing marks.
 - 2.1.2. Exception : authorization to apply the procedure to other containers, issued if the containers can be identified on their re-exportation.
- 2.2. Rules for goods under procedure (period allowed, use in internal traffic, monitoring and control measures).
- 2.3. Normal methods of discharging the procedure (re-exportation, placing the goods under another customs procedure or in a free zone), and exceptional methods (release for free circulation, destruction or abandonment).

3. TYPES OF TRANSPORT

- 3.1. Types of transport eligible for the procedure.
- 3.2. Types of transport for professional use : definition and rules for use.
 - 3.2.1. Road transport.
 - 3.2.2. Rail transport.
 - 3.2.3. Air transport.
 - 3.2.4. Sea transport.
 - 3.2.5. Pallets.
- 3.3. Private transport : definition and procedures for use.
 - 3.3.1. Road transport (motor vehicles, draught and saddle animals).
 - 3.3.2. Air transport (tourist aircraft).
 - 3.3.3. Sea transport (pleasure craft).
- 3.4. Authorizing use of the procedure ; entry for the procedure.
 - 3.4.1. Principle : no formalities.
 - 3.4.2. Exception : formalities carried out in cases in which there is a serious likelihood that the obligation to re-export obligation will not be complied with.
 - 3.4.3. Special case : pallets, which follow the containers model (see points 2.1.1. and 2.1.2).
- 3.5. Period for which goods can stay in the customs territory of the Community.
- 3.6. Normal method for discharging the procedure (re-exportation, entry under another customs system or in a free zone), special method (equivalent compensation for rail transport and pallets) and exceptional method (release for free circulation, destruction or abandonment).

4. OTHER GOODS

- 4.1. Temporary importation systems.
 - 4.1.1. Temporary importation with full relief from duties and taxes.
 - 4.1.1.1. For clearly defined goods and for certain uses.

- 4.1.1.2. Temporary importation in special circumstances without economic impact.
 - 4.1.1.3. Where a Member State decides to authorize temporary importation under certain clearly defined circumstances.
 - 4.1.2. Temporary importation with partial relief :
 - 4.1.2.1. applicable in other cases
 - 4.1.2.2. exceptions, where entry for temporary importation procedure is forbidden and the goods must be released for free circulation :
 - consumable produce,
 - goods whose use is liable to damage the Community economy, in particular by virtue of the length of their economic life in relation to the length of stay.
 - 4.2. Authorization to use the procedure and entry of goods for the procedure.
 - 4.2.1. Authorization to use the procedure, subject to :
 - application,
 - authorization, for which the competent authorities must take all the measures they consider necessary in order to ensure the identification of the goods and the control of their use ; authorization is refused when the authorities consider it is impossible to identify the goods or to control their use,
 - where appropriate, authorization by simplified procedure.
 - 4.2.2. Entry for the procedure, involving :
 - 4.2.2.1. — formalities consisting of :
 - lodging of a declaration,
 - acceptance of the declaration,
 - possibility of corrections,
 - for customs, possibility of examining and identifying the goods.
 - 4.2.2.2. — option of waiving written declaration,
 - waiving of written declaration,
 - ATA carnet.
 - 4.2.2.3. — provision of security.
 - 4.3. The length of stay of the goods :
 - control of the use of goods placed under the procedure possible at all times, a different use to that having been authorized under the rime leading to a customs debt,
 - length of stay (24 months except in special cases),
 - transfers of goods under temporary importation procedure without discharge,
 - placing goods under the procedure in successive Member States (until 31 December 1992).
 - 4.4. Discharging the procedure using the normal method (re-exportation, entry for another customs procedure or placing in a free zone) and the exceptional method (release for free circulation, destruction).
 - 4.5. Taxation procedures.
 - 4.5.1. In cases of partial relief, duty charged at 3 % for every month or part month during which the goods are placed under the procedure, with VAT to be paid in full.
 - 4.5.2. In cases of release for free circulation : items of change assessed at the time when the goods are placed under the procedure.
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*ANNEX III***Specific programme : transit regime**

1. The circulation of goods from one point to another in the customs territory of the Community : the old rules apply until 31 December 1992, the rules applicable on 1 January 1993 and the final drawing up of these rules according to the arrangements of the Community customs code to be applied from 1 January 1994. General comparison especially under the liberalization introduced concerning the circulation of Community goods.
2. The application of the regime to non-Community and Community goods in particular cases. The possibilities of the circulation of goods under international documents (TIR carnets, ATA, etc).
3. The presumption of the Community character for all goods circulating inside the customs territory of the Community. The cases where this assumption is not applicable.

The general rules concerning Community goods and relating to the absence of documents and customs formalities. Outline of the new 1993 rules allowing liberalization. The exceptions.

4. Third country loans :
 - EFTA countries,
 - countries other than EFTA.
 5. The Community transit procedures. The DAU applied to Community transit, the departure formalities, on the road, at arrival. The consolidation of the transit and the exportation declaration. The end of the regime.
 6. The relaxation of formalities at departure and at destination.
 7. Particular rules applying to air and sea transport and to other modes of transport (canalization, post, rail, large containers, etc).
 8. Particular cases where the Community character of the goods must be proved. The particular cases of sea transport.

The methods of proving the Community character of goods. Relaxations.

Proof of Community character of fish products.
 9. The isolated, global and flat rate guarantee. Exemptions from guarantee.
 10. Infringements and irregularities.
 11. The 'common transit'.
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CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3661/92 of 18 December 1992 amending measures in respect of the application of the common organization of the market in beef and veal as a result of the amendment of certain CN codes in the combined nomenclature

(Official Journal of the European Communities No L 370 of 19 December 1992)

— On page 23 in Annex III, against CN code 0102 90 05:

for:

'CN Code		GATT	Young bovines	Article 14 (1) (a)	Article 14 (1) (b)	US beef	Other
	Code	301	302	303	304	305	306
0102 90 05'							

(tonnes)

read:

'CN Code		GATT	Young bovines	Article 14 (1) (a)	Article 14 (1) (b)	US beef	Other
	Code	301	302	303	304	305	306
0102 90 05	200	—		—	—	—'	

(tonnes)

— On page 26 in Annex V, third indent:

for: '0201 10 05',

read: '0201 10 00'.

— On page 29 in Annex VIII last line 'other':

add: '0201 20 50 14 0'.

Corrigendum to Commission Regulation (EEC) No 3851/92 of 29 December 1992 fixing the export refunds on fruit and vegetables

(Official Journal of the European Communities No L 390 of 31 December 1992)

On page 49 in the Annex in the column headed 'Product code':

— in the eighth line:

for: '0806 10 15 100',

read: '0806 10 15 200';

— in the tenth line:

for: '0806 10 19 100',

read: '0806 10 19 200'.