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## Legislation

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## II *Acts whose publication is not obligatory*

### **Commission**

93/157/EEC :

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## I

*(Acts whose publication is obligatory)*

# COUNCIL REGULATION (EEC) No 611/93

of 15 March 1993

**imposing a definitive anti-dumping duty on imports into the Community of certain electronic microcircuits known as DRAMs originating in the Republic of Korea and exported by companies not exempted from this duty, and collecting definitively the provisional anti-dumping duty**

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<sup>(1)</sup> (hereinafter referred to as the 'basic Regulation'), and in particular Article 12 thereof,

Having regard to the proposal presented by the Commission after consultation within the Advisory Committee as provided for by the above Regulation,

Whereas :

## A. PROVISIONAL MEASURES

(1) By Regulation (EEC) No 2686/92<sup>(2)</sup> (hereafter referred to as the 'provisional duty Regulation'), the Commission imposed a provisional anti-dumping duty on imports into the Community of certain types of electronic micro-circuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea and falling within CN codes 8542 11 12, 8542 11 14, 8542 11 16 and 8542 11 18 for finished DRAMs, within CN code ex 8542 11 01 for DRAM wafers, within CN code ex 8542 11 05 for DRAM dice or chips and within CN code ex 8473 30 10 or ex 8548 00 00 for DRAM modules. By Regulation (EEC) No 53/93<sup>(3)</sup>, the Council extended the validity of this duty for a period not exceeding two months.

## B. SUBSEQUENT PROCEDURE

(2) Following the imposition of the provisional anti-dumping duty, two Korean producers,

— Goldstar Electron Co., Ltd, Seoul,

— Samsung Electronics Co., Ltd, Seoul,

and one DRAM-user company located in the Community,

— Hewlett Packard, Les Ulis, France,

submitted comments in writing. Parties who so requested were granted an opportunity to be heard by the Commission.

(3) The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures and the definitive collection of amounts secured by way of provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

(4) The parties' comments were considered, and the Commission altered its conclusions where deemed justified.

(5) The investigation overran the normal duration of one year provided for in Article 7 (9) (a) of the basic Regulation due to the complexity of the investigation, in particular, in the light of the numerous DRAM types, the number of sales transactions and the calculation of the normal value on a quarterly basis.

## C. PRODUCT UNDER INVESTIGATION, LIKE PRODUCT

(6) In its provisional duty Regulation (see recitals 12 to 16) the Commission had established that all types of DRAM wafers, DRAM dice and chips, finished DRAMs, variations of DRAMs and DRAM modules, regardless of density and package were to be considered as one product.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 272, 17. 9. 1992, p. 13.

<sup>(3)</sup> OJ No L 9, 15. 1. 1993, p. 1.

(7) One Korean producer continued to argue that DRAM wafers and DRAM dice on the one hand, and finished DRAMs on the other, could not be considered as one product since DRAM wafers and DRAM dice were not identical to finished DRAMs. In its submission, this producer raised no other new arguments as compared with those raised at the provisional stage, and the Council, for the reasons given in recitals 14 to 16 of the provisional duty Regulation, confirms the Commission's conclusion contained therein.

(8) Another Korean producer argued that finished DRAMs of densities higher than 16M should not be viewed as one product with DRAMs of lower densities, because higher density DRAMs, e.g. 64M DRAMs, were not yet on the market. It was argued, in this context, that it could not be determined whether these DRAMs could be considered like products.

(9) In this respect, the Commission concluded in recital 15 of the provisional duty Regulation that all DRAMs, regardless of density and package, were covered by the present proceeding. Past experience confirmed, indeed, that there was a clear continuity between the physical characteristics and use of DRAMs of succeeding generations, and the Commission did not find any indication which would justify different conclusions, e.g. for 64M DRAMs. The Commission noted, however, that, should sufficient evidence of changed circumstances regarding future DRAM densities become available, a review in accordance with Article 14 (1) of the basic Regulation could be requested by any interested party.

(10) The Commission therefore concluded that, for the purpose of the present proceeding, all types, densities and variations of DRAM products, as detailed in recitals 11 and 12 of the provisional duty Regulation, were to be viewed as one product, i.e. the product under consideration.

The Council confirms this conclusion.

(11) As regards the question whether DRAM products sold on the Korean market and those sold by the Community industry on the Community market constituted like products to the product under consideration, no new comments were received. Therefore the Council confirms that the DRAMs sold on the Korean market, those sold by the Community industry on the Community market and those exported to the Community (all hereinafter referred to as DRAMs) are alike in all

respects within the meaning of Article 2 (12) of the basic Regulation.

## D. DUMPING

### 1. Normal value

(12) No comments relating to the determination of normal values on a quarterly basis were received. Therefore the Council confirms the approach taken by the Commission as set out in recital 19 of the provisional duty Regulation.

(13) In determining the cost of manufacturing at the provisional stage, the Commission had taken into account the long production cycle time for DRAMs. In order to establish the effective manufacturing costs of DRAMs sold in a given quarter in these circumstances, the Commission considered that the cost of manufacturing for DRAMs sold in one quarter was that incurred in the preceding quarter. The cost accounting data submitted by the Korean producers concerned were adjusted accordingly.

(14) One Korean producer claimed that this approach was not justified because its own accounting system took account of the production cycle time.

The methodology used by this company in order to determine the total actual per unit cost of production for finished DRAMs sold in a given quarter, i.e. based on stock valuation of work in progress did not, however, properly reflect the length of the DRAM production process which consisted of a number of consecutive production steps.

The Commission therefore considered this methodology inappropriate and maintained its approach taken for the provisional findings.

The Council confirms this view.

(15) The aforementioned producer also argued that an adjustment made by the Commission concerning its depreciation expenses to ensure comparability between the investigation and preceding periods was not appropriate. The Korean producer claimed that the Commission should have used the data submitted since they were based on its cost accounting data.

(16) The approach taken by the Commission for the calculation of the constructed normal value at the provisional stage ensured, however, the consistent allocation of this producer's costs of production over time and avoided a distorted allocation of the depreciation expenses in the investigation period compared with prior periods. This approach was fully in line with the provisions of Korean accounting rules.

The Commission, therefore, considered it necessary to maintain its approach and the Council confirms this view.

(17) Two Korean producers claimed that the approach taken by the Commission with respect to the constructed normal value was not appropriate in particular with regard to the amount of research and development (hereinafter 'R&D') costs and other selling, general and administrative (hereinafter 'SG&A') costs.

(18) With respect to R&D, the Korean producers claimed that R&D costs incurred in the past and deferred to the period of investigation should be the basis for the determination of the cost of production. In recital 22 of the provisional duty Regulation, the Commission set out its approach with respect to R&D costs. Given the nature of these costs, in particular the uncertainty of their recoverability, of the timing of such recoverability and of relating R&D costs incurred in the past to sales carried out during the period of investigation, the Commission, in line with consistent practice as regards the sector of integrated circuits, had considered it appropriate, from both an economic and an accounting point of view, that all R&D expenses actually incurred in the period of investigation and related to DRAMs, be it current or future products, should be allocated to DRAMs sold in the period of investigation. It should be noted that the approach taken by the Commission was fully in line with the provisions of Korean accounting rules.

In conclusion, the Commission maintained and the Council confirms this approach with respect to R&D costs.

(19) With respect to SG&A costs incurred in relation to foreign currency exchange transactions, the Commission took account of submissions from two Korean producers and allowed the deferral of such costs, which related mainly to long-term foreign currency debt. The Commission adjusted its cost calculations accordingly.

The Council confirms this approach.

(20) Furthermore, one Korean producer, which had no profitable sales on the domestic market, claimed that there were sufficient profitable sales on the domestic market of another Korean producer, which had cooperated during the investigation, for

this latter producer's SG&A and profit information to be used in the calculation of the first producer's constructed normal value.

(21) In this context, the Commission had established that, for two Korean producers, all sales of DRAMs and, for the remaining Korean producer, significantly more than 90 % of the sales of DRAMs on the domestic market were made at prices which did not permit recovery of all costs reasonably allocated. After the adjustment described in recital 19, above unprofitable domestic sales of the producer concerned remained at a level significantly higher than 90 % of total sales. Therefore, as detailed in recital 20 of the provisional duty Regulation, the Commission considered that, in view of the small volume of sales on the domestic market in the ordinary course of trade, domestic sales could not form the basis for the determination of the profit rate used for the calculation of the constructed normal value.

Consequently, the profit rate to be used for the constructed normal value had to be determined on another reasonable basis in accordance with Article 2 (3) (b) (ii) of the basic Regulation.

With respect to the SG&A costs, the Commission used, for the determination of normal value, the costs incurred by each Korean producer on the domestic market. These costs were indeed considered reliable since all three Korean producers had substantial sales on the domestic market and were therefore added to manufacturing costs in accordance with the abovementioned Article.

The Council confirms these conclusions.

(22) In recital 23 of the provisional duty Regulation, the Commission detailed the factors taken into account in the determination of the profit rate used in the constructed normal values. Two Korean producers, while not questioning the method used by the Commission, argued that this profit margin was set at too high a level. Taking particular account of the high future R&D costs and the large capital investment requirements of this industry, the Commission maintained its conclusion that, for the purpose of the present proceeding, a profit margin of 13,5 % on turnover was reasonable and representative for the product concerned and for the market conditions in Korea.

The Council confirms this view.

## 2. Export prices

- (23) Export prices were determined for the purpose of the preliminary findings on the basis of the prices actually paid or payable for the products sold for export to the Community.

The Council confirms this approach.

- (24) With regard to exports to related importers, for which the export prices were constructed in accordance with Article 2 (8) (b) of the basic Regulation one Korean producer disagreed with an adjustment made by the Commission at the provisional stage with respect to two types of costs incurred between importation and resale.
- (25) With respect to one of the cost items in question, i.e. advertising costs, the Commission had made an assessment, at the provisional stage, on the basis of the facts available following the provisions of Article 7 (7) (b) of the basic Regulation since this producer's related importers in the Community had submitted incomplete information. In its new submission, the Korean producer concerned had not supplied any information on actual costs incurred by the importers with respect to their advertising activities. The Commission therefore maintained the approach taken at the provisional stage.

Furthermore, with respect to a second item, i.e. costs incurred in relation to foreign currency exchange transactions, the Korean producer claimed that only the part of these costs corresponding to realized gains and losses should be included. In this context, the Commission maintained its approach that all costs resulting from foreign currency exchange operations should be taken into consideration, since they were related to this importer's purchase and sales activities and were short-term in nature in comparison with the investigation period. In addition, this approach was reflected in this importer's treatment of these costs in its income statement.

The Council confirms these conclusions.

## 3. Comparison

- (26) Comments concerning the comparison of export prices with normal value were received with respect to allowances requested by two Korean producers. These producers claimed that allowances for dif-

ferences in payment terms should be made for the full period of credit actually granted to domestic customers, even though no credit period was agreed with customers at the time of sale. These requests for allowance had not been accepted by the Commission in its provisional determination.

One producer claimed that the allowance should be calculated on the basis of the average period of credit granted and the other claimed such calculation should be done on the basis of the credit periods specifically established for each sales transaction to its domestic customers. In both cases, the producers requested that the interest rate applicable in Korea for short-term borrowing should be used for this purpose.

- (27) The Commission noted, however, that in accordance with Article 2 (9) (a) of the basic Regulation, allowance for differences in payment terms can be granted only to the extent that they affect price comparability. Payment terms can affect prices paid by a customer only where these are agreed at the date of sale (i.e. date of the conclusion of the sales contract or the date of the invoice at the latest) because only then can the cost of credit associated with the payment terms be considered to have influenced the buyer's decision. Consequently, any costs resulting from a period of credit not agreed at the date of sale have to be considered as a general cost for the selling company.

With respect to the claim of the two Korean producers, no fixed period of credit was specified at the date of sale. Moreover, one producer could not establish the link between payments received and individual sales transactions, whereas for the other producer credit periods varied considerably across different customers and for individual customers across different sales transactions. In such circumstances the Commission would normally have rejected these claims. In this case however, and in conformity with the approach taken in previous proceedings, the Commission granted an adjustment for these sales on the basis of 30 days of credit, which was considered a reasonable estimate of the period of credit for the buyer.

The Council confirms this approach.

## 4. Dumping margins

- (28) The definitive examination of the facts showed the existence of dumping in respect of imports of the product concerned originating in Korea.

The weighted average dumping margins definitively established for the producers concerned and expressed as a percentage of the total cif Community border value of imports, exceeded 50 % with the exception of Samsung Electronics Co., for which the weighted average dumping margin was established at 14,6 %.

- (29) As far as any non-cooperating producers are concerned, no comments on the conclusions reached by the Commission in recital 28 of the provisional duty Regulation were received.

In these circumstances, the Council confirms these conclusions and the dumping margin determined for non-cooperating producers is set at a level of the highest dumping margin.

#### E. INJURY

- (30) The Commission had determined in its preliminary conclusions that material injury had been sustained by the Community producers (recitals 36 to 48 of the provisional duty Regulation). No new arguments were subsequently put forward in this connection.

Therefore the Council confirms the above conclusions.

#### F. CAUSATION

- (31) The Commission pointed out in its preliminary conclusions that the substantial injury sustained by Community producers had been caused by dumped Korean imports (recitals 49 to 61 of the provisional duty Regulation). No new arguments were put forward in this connection.

Therefore the Council confirms that the material injury sustained by Community producers has been caused by dumped Korean imports.

#### G. COMMUNITY INTEREST

- (32) As stated in recital 70 of the provisional duty Regulation, the purpose of anti-dumping measures is to remedy the injurious effect of unfair trading practices and to re-establish a fair competitive situation which, as such, is in the general interest of the Community. Moreover, in recitals 62 to 77 of the provisional duty Regulation, the Commission, for the purpose of the provisional findings, had determined that, in accordance with Article 11 of the basic Regulation, the imposition of provisional

anti-dumping measures was in the interests of the Community.

- (33) One Korean producer argued that the adoption of anti-dumping measures would not be in the interest of the Community user industry. In support of this claim, the Korean producer argued in general terms that the mere fact that the user industry made a detailed submission prior to the imposition of provisional duties in this case showed that this user industry was concerned about the negative implications of this anti-dumping proceeding with respect to its competitive situation.

- (34) With respect to the situation of the Community DRAM user industry in general, in recital 69 of the provisional duty Regulation it has been shown that only one of a number of existing user groups put forward such a claim without in any way quantifying it with respect to the effect of anti-dumping measures imposed on Korean DRAM imports. In support of its claim, this user group merely alleged that the anti-dumping measures imposed in the framework of the Japanese DRAM anti-dumping proceeding pursuant to Council Regulation (EEC) No 2112/90<sup>(1)</sup> had had the effect of increasing DRAM prices in the Community. This claim, however, was in contrast with information obtained by the Commission from reliable market sources. Indeed, the Commission, in the framework of regular market monitoring after the coming into force of the anti-dumping measures with respect to Japanese DRAMs, had observed a positive impact in the Community market resulting from the anti-dumping measures concerning DRAMs of Japanese origin, in particular, an increase in the level of competition and a steadiness in the trend of prices. With respect to DRAM prices in the Community and in other world markets, the Commission had established that, while prices varied, price differences in the Community were not substantial compared with other markets.

- (35) One company using DRAMs for the production of electronic goods inside the Community claimed that anti-dumping measures would have a negative effect on its position in comparison with competitors using DRAMs in their production outside the Community. This user company further argued and supplied supporting specific information that, after the provisional anti-dumping measures, the prices of one of the Korean producers had increased and that, as a consequence, its own input costs had risen.

<sup>(1)</sup> OJ No L 193, 25. 7. 1990, p. 1. Regulation as last amended by Regulation (EEC) No 2967/92 (OJ No L 299, 15. 10. 1992, p. 4).

- (36) In general, it should be noted in this context that the situation of a single user company representing only a small fraction of total DRAM use in the Community could not be considered representative for the user industry in the Community as a whole.

Concerning the first argument put forward by the company, on the question of prices in other markets, the Commission noted the recent imposition of substantial anti-dumping duties by the authorities of the USA, which is one of the markets with the greatest world-wide DRAM consumption, with respect to DRAM's originating in Korea.

Moreover, it should be noted that the anti-dumping measures in the present proceeding were set at a level and in a form to minimize any negative effect on the DRAM user industry. Concerning the second argument of the company, and as discussed in recital 69 of the provisional duty Regulation, the fact that advantages have been gained in the past through unfair trade practices cannot be a justification for their continuation. This user company was, furthermore, operating in an industry facing general economic difficulties world-wide which were not attributable to high electronic component prices in the Community, nor specifically to high DRAM prices. Accordingly, the Commission considered that any increase in costs due to DRAM purchase price increases after the imposition of provisional duties, could not have been substantial.

- (37) One Korean producer argued that any anti-dumping measures with respect to Korean producers would reduce competition in the Community DRAM market by eliminating some smaller competitors from the market.
- (38) In recital 63 of the provisional duty Regulation it was stated, however, that, in view of the substantial and increasing financial losses incurred by the Community industry, not to take anti-dumping measures would threaten its viability and consequently eliminate companies from the DRAM market. Furthermore, taking into account that the definitive anti-dumping measures are imposed in a flexible form and at a level which will not prevent any Korean producer from continuing to sell on the Community market, the Commission considered that the anti-dumping measures would not reduce the level of competition in the Community DRAM market.
- (39) In conclusion, in assessing the Community interest in recitals 64 and 65 of the provisional duty Regu-

lation, the Commission had concluded that any possible increase in the input cost for the user industry would have to be viewed against the background of the situation of the Community industry which is operating in a key technological sector and which has, due to significant dumping by Korean companies, been incurring substantial financial losses which have threatened its viability. This assessment has also to be seen in light of the anti-dumping measures taken in the USA which may lead to increased Korean imports into the Community.

Finally, the Commission considered that not to impose anti-dumping measures with respect to dumped imports of DRAMs originating in Korea would undermine the beneficial effects of the anti-dumping measures in force with respect to DRAMs originating in Japan as mentioned in recital 34 and would be discriminatory towards the Japanese producers concerned. In these circumstances, the Commission considered that it is in the interests of the Community to impose anti-dumping measures concerning imports of DRAMs originating in Korea.

The Council confirms this conclusion.

#### H. ANTI-DUMPING MEASURES

- (40) In establishing the level of the definitive anti-dumping measures to be imposed, given that the injury sustained by the Community industry was in the form of heavy financial losses due to substantial price undercutting by the Korean producers, the Commission considered it appropriate to ensure that prices of the Community industry can achieve a reasonable level and that any future price depression caused by dumped Korean imports can be prevented. In order to obtain this result, the export prices of the Korean producers should be at a level where dumping is eliminated and sales at prices below the Korean producers' costs of production are prevented, ensuring that the injury caused to the Community industry is eliminated to a satisfactory extent. At the same time, consideration was given, by the Commission, to setting the anti-dumping measures at a level which would not put the Community user industry at an undue competitive disadvantage towards its competitors in world markets.

(41) With respect to the form of the definitive anti-dumping measures, the Commission took into account the fact that the DRAM industry is a fact moving industry characterized by learning curve effects yielding substantial cost of production reductions over a relatively short time period, that there is also interdependence of sales and costs of DRAM products of succeeding generations which might result in substantial fluctuations in market prices and on increasing number of DRAM models, and concluded that the definitive anti-dumping measures should allow sufficient flexibility to follow these patterns.

(42) In these circumstances, it would be appropriate to impose an anti-dumping duty at the level sufficient to eliminate the effect of injurious dumping. The Korean producers, however, have offered undertakings on the basis of their resale prices for their products to the first independent customers in the Community. Pursuant to Commission Decision 93/157/EEC<sup>(1)</sup>, the undertakings are deemed acceptable. These undertakings are based on the actual quarterly costs of DRAM production in Korea plus an amount for profit and therefore meet the objectives as set out in recital 40.

(43) In order to safeguard the effectiveness of the above undertakings and to avoid circumvention of the anti-dumping measures, a definitive anti-dumping duty should be imposed on any other imports originating in Korea.

(44) Given the special circumstances of this proceeding, in particular the fact that all known Korean DRAM producers exporting to the Community have offered acceptable undertakings, the Commission considered that a duty lower than the highest dumping margin established during the investigation was sufficient to achieve these objectives. Therefore the definitive anti-dumping duty should be set at a level of 24,7 %, which represents the highest individual level of price undercutting of any Korean producer. The Council confirms this conclusion.

(45) In the course of the investigation three companies located outside the Community, namely:

- Hitachi Ltd, Japan,
- Motorola Incorporated, USA, and
- Motorola Malaysia SDN BHD., Malaysia,

have claimed and supplied supporting evidence that they have imported DRAMs originating in Korea to the Community having purchased the DRAMs concerned from Korean producers in the framework of general purchase contracts.

Given the nature of the undertakings offered by all the Korean producers concerned for their direct and indirect exports to the Community, the

Commission considered it appropriate to exclude DRAM imports into the Community by the three purchasing companies mentioned above from the definitive anti-dumping duty on imports of DRAMs originating in Korea if the DRAMs thus imported were purchased in the framework of a general purchase contract from the Korean producers concerned under the terms of the respective undertakings and if the DRAMs purchased were destined for export to the Community.

The Council confirms this view.

#### I. COLLECTION OF PROVISIONAL DUTIES

(46) With respect to provisional duties, it is Community practice to collect these duties definitively if substantial injurious dumping provisionally determined is confirmed at the definitive stage and if the situation with respect to the injurious effect of the dumped imports to the Community market has not fundamentally changed since the imposition of the provisional duties. In the present case, substantial injurious dumping was definitively confirmed. However, due to the specific aspects of the situation, in particular the fact that after acceptable undertakings had been offered by all three Korean producers which cover the entirety of imports originating in Korea, it was considered that the interest of the Community did not require the collection of these duties for their full period of validity but only for the initial period of validity of four months.

The Council confirms this approach,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. A definitive anti-dumping duty is hereby imposed on imports into the Community of certain electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea and falling within CN code 8542 11 12, 8542 11 14, 8542 11 16, 8542 11 18, ex 8542 11 01 (Taric code: 8542 11 01\*10), ex 8542 11 05 (Taric code: 8542 11 05\*30), ex 8473 30 10 (Taric code: 8473 30 10\*40) or ex 8548 00 00 (Taric code: 8548 00 00\*20).

2. For the purpose of this Regulation, DRAMs comprise all variations, types and densities including DRAM wafers and DRAM dice or DRAM chips, and multi-combinational forms of DRAMs such as stack DRAMs and DRAM memory modules.

3. The rate of duty shall be 24,7 % expressed as a percentage of the net free-at-Community-frontier price before duty (Taric additional code: 8699).

<sup>(1)</sup> See page 37 of this Official Journal.

4. Imports of products referred to in paragraph 1 shall be exempt from the duty (Taric additional code : 8698), provided that :

(a) they are produced and exported to the Community by the following companies whose undertakings have been accepted by Commission Decision 93/157/EEC :

- Goldstar Electron Co., Ltd, Seoul,
- Hyundai Electronics Industries Co., Ltd, Icheon,
- Samsung Electronics Co., Ltd, Seoul ; or

(b) they are produced, and sold for subsequent exportation to the Community, by one of the companies listed in the first indent above to one of the following companies :

- Hitachi Ltd, Japan,
- Motorola Incorporated, USA,
- Motorola Malaysia SDN BHD., Malaysia.

In this case, exemption from the duty shall be conditional upon presentation to the customs authorities of documentation (the format is contained in Annex I) from the producer ('Issuing company'), confirming that it directly sold the products for which the exemption is sought for export to the Community to one of the three companies above ('Exporter'), which in turn exported them directly to

a company located in the Community ('Consignee'). The documentation shall furthermore contain a clear description of the device type(s) sold, the total quantity per device type, the unit price per device type, a statement that the price was not lower than the applicable undertaking price, the invoice number and the confirmation that these products were produced and sold for export to the Community by the said company in accordance with the provisions of the undertakings referred to in Article 1 of Commission Decision 93/157/EEC. This documentation shall be issued by the Korean producer concerned at the time the invoice is issued.

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

#### *Article 2*

The amounts secured by way of a provisional anti-dumping duty pursuant to Regulation (EEC) No 2686/92 shall be definitively collected for the period until and including 17 January 1993.

#### *Article 3*

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, 15 March 1993.

*For the Council*

*The President*

M. JELVED

*ANNEX*

**Certification document pursuant to of Article 1 (4) (b) of this Regulation**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                  |                                     |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------|--|
| <b>1 Exporter (Name and full address)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p align="center"><b>DOCUMENTATION<br/>FOR IMPORT OF DRAMs<br/>IN THE EUROPEAN COMMUNITY</b></p> |                                     |  |
| <b>2 Consignee (Name and full address)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>3 ISSUING COMPANY</b><br>(Name and full address)                                              |                                     |  |
| <b>NOTE</b><br>This documentation must be presented to the competent customs office in the European Community together with the entry for free circulation relating to the products                                                                                                                                                                                                                                                                                                                                                                                           | <b>4 Invoice number(s)</b>                                                                       |                                     |  |
| <b>5 Description of the device type(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>6 Total quantity per device type</b>                                                          | <b>7 Unit price per device type</b> |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                  |                                     |  |
| <p><b>8</b> This is to confirm that the products shown above were produced and sold for export to the European Community by the company shown in box 3 under the undertaking referred to in Decision 93/157/EEC.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <b>Place and date :</b><br/>           .....         </div> <div style="width: 45%;"> <b>Signature :</b><br/>           .....         </div> </div> <div style="margin-top: 20px;"> <b>Certificate No :</b><br/>           .....         </div> |                                                                                                  |                                     |  |
| <b>9 For use by competent customs office in the European Community</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                  |                                     |  |



**COMMISSION REGULATION (EEC) No 612/93****of 17 March 1993****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 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 <sup>(3)</sup>, 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 <sup>(4)</sup> 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 16 March 1993, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 390, 31. 12. 1992, p. 118.

## ANNEX

to the Commission Regulation of 17 March 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Third countries <sup>(*)</sup>                       |
|------------|------------------------------------------------------|
|            | (ECU/tonne)                                          |
| 0709 90 60 | 134,97 <sup>(2)</sup> <sup>(3)</sup>                 |
| 0712 90 19 | 134,97 <sup>(2)</sup> <sup>(3)</sup>                 |
| 1001 10 00 | 172,66 <sup>(1)</sup> <sup>(5)</sup> <sup>(10)</sup> |
| 1001 90 91 | 142,21                                               |
| 1001 90 99 | 142,21 <sup>(11)</sup>                               |
| 1002 00 00 | 149,49 <sup>(6)</sup>                                |
| 1003 00 10 | 130,09                                               |
| 1003 00 20 | 130,09                                               |
| 1003 00 80 | 130,09 <sup>(11)</sup>                               |
| 1004 00 00 | 113,51                                               |
| 1005 10 90 | 134,97 <sup>(2)</sup> <sup>(3)</sup>                 |
| 1005 90 00 | 134,97 <sup>(2)</sup> <sup>(3)</sup>                 |
| 1007 00 90 | 136,92 <sup>(4)</sup>                                |
| 1008 10 00 | 45,13 <sup>(11)</sup>                                |
| 1008 20 00 | 82,05 <sup>(4)</sup>                                 |
| 1008 30 00 | 45,65 <sup>(2)</sup>                                 |
| 1008 90 10 | <sup>(7)</sup>                                       |
| 1008 90 90 | 45,65                                                |
| 1101 00 00 | 211,77 <sup>(8)</sup> <sup>(11)</sup>                |
| 1102 10 00 | 221,97 <sup>(8)</sup>                                |
| 1103 11 30 | 278,94 <sup>(8)</sup> <sup>(10)</sup>                |
| 1103 11 50 | 278,94 <sup>(8)</sup> <sup>(10)</sup>                |
| 1103 11 90 | 227,40 <sup>(8)</sup>                                |

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

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

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

<sup>(9)</sup> 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.

<sup>(10)</sup> An amount equal to the amount fixed by Regulation (EEC) No 1825/91 (OJ No L 166, 28. 6. 1991, p. 42) is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

<sup>(11)</sup> 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 613/93****of 17 March 1993****fixing the premiums to be added to the import levies on cereals, flour and malt**

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

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

Having regard to Council Regulation (EEC) No 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 <sup>(3)</sup>, 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 <sup>(4)</sup> 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 16

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 390, 31. 12. 1992, p. 121.

## ANNEX

to the Commission Regulation of 17 March 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

| CN code    | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 |
|------------|--------------|-----------------|-----------------|-----------------|
| 0709 90 60 | 0            | 0               | 0               | 3,45            |
| 0712 90 19 | 0            | 0               | 0               | 3,45            |
| 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               | 3,45            |
| 1005 90 00 | 0            | 0               | 0               | 3,45            |
| 1007 00 90 | 0            | 8,28            | 8,28            | 8,28            |
| 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<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 1107 10 11 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 91 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 99 | 0            | 0               | 0               | 0               | 0               |
| 1107 20 00 | 0            | 0               | 0               | 0               | 0               |

## COMMISSION REGULATION (EEC) No 614/93

of 17 March 1993

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 3814/92 <sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 <sup>(4)</sup> thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar <sup>(3)</sup>, as last amended by Regulation (EEC) No 1489/76 <sup>(4)</sup>, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar <sup>(5)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar <sup>(6)</sup>, as last amended by Regulation (EEC)

No 1684/92 <sup>(7)</sup>; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 1432/92 <sup>(8)</sup>, as last amended by Regulation (EEC) No 3534/92 <sup>(9)</sup>, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(10)</sup> 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 <sup>(11)</sup>;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should 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 Sugar,

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

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 7.

<sup>(3)</sup> OJ No L 143, 25. 6. 1968, p. 6.

<sup>(4)</sup> OJ No L 167, 26. 6. 1976, p. 13.

<sup>(5)</sup> OJ No L 89, 10. 4. 1968, p. 3.

<sup>(6)</sup> OJ No L 50, 4. 3. 1970, p. 1.

<sup>(7)</sup> OJ No L 176, 30. 6. 1992, p. 31.

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

<sup>(9)</sup> OJ No L 358, 8. 12. 1992, p. 16.

<sup>(10)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(11)</sup> OJ No L 387, 31. 12. 1992, p. 17.

HAS ADOPTED THIS REGULATION:

exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

**ANNEX**

**to the Commission Regulation of 17 March 1993 fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

| Product code   | Amount of refund <sup>(1)</sup> |
|----------------|---------------------------------|
|                | — ECU/100 kg —                  |
| 1701 11 90 100 | 33,19 <sup>(1)</sup>            |
| 1701 11 90 910 | 31,02 <sup>(1)</sup>            |
| 1701 11 90 950 | <sup>(2)</sup>                  |
| 1701 12 90 100 | 33,19 <sup>(1)</sup>            |
| 1701 12 90 910 | 31,02 <sup>(1)</sup>            |
| 1701 12 90 950 | <sup>(2)</sup>                  |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 91 00 000 | 0,3608                          |
|                | — ECU/100 kg —                  |
| 1701 99 10 100 | 36,08                           |
| 1701 99 10 910 | 36,45                           |
| 1701 99 10 950 | 36,45                           |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 99 90 100 | 0,3608                          |

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

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

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

**COMMISSION REGULATION (EEC) No 615/93****of 17 March 1993****amending for the second time Regulation (EEC) No 1688/92 fixing counter-vailing charges on seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds<sup>(1)</sup>, as last amended by Regulation (EEC) No 1740/91<sup>(2)</sup>, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 1688/92<sup>(3)</sup>, amended by Regulation (EEC) No 3538/92<sup>(4)</sup>, fixed counter-vailing charges on seeds in respect of a certain type of hybrid maize and sorghum for sowing;

Whereas, since that time, a significant variation has been recorded in the free-at-frontier offer prices which, under

the terms of Article 4 (2) of Commission Regulation (EEC) No 1665/72<sup>(5)</sup> as amended by Regulation (EEC) No 2811/86<sup>(6)</sup>, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 1688/92 is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 39.

<sup>(3)</sup> OJ No L 176, 30. 6. 1992, p. 38.

<sup>(4)</sup> OJ No L 359, 9. 12. 1992, p. 6.

<sup>(5)</sup> OJ No L 175, 2. 8. 1972, p. 49.

<sup>(6)</sup> OJ No L 260, 12. 9. 1986, p. 8.

## ANNEX

## Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

| CN code    | Amount of<br>countervailing<br>charge (%) | Country of<br>origin (?) |
|------------|-------------------------------------------|--------------------------|
| 1005 10 11 | 0,5                                       | 092                      |
|            | 1,8                                       | 512                      |
|            | 4,5                                       | 064                      |
|            | 13,8                                      | 404                      |
|            | 25,2                                      | 066                      |
|            | 34,9                                      | 068                      |
|            | 34,9                                      | 1                        |
| 1005 10 13 | 3,2                                       | 090                      |
|            | 3,2                                       | 091                      |
|            | 3,9                                       | 092                      |
|            | 3,2                                       | 093                      |
|            | 10,8                                      | 064                      |
|            | 21,2                                      | 528                      |
|            | 21,7                                      | 062                      |
|            | 27,1                                      | 068                      |
|            | 31,7                                      | 066                      |
|            | 41,8                                      | 388                      |
|            | 41,8                                      | 2                        |
| 1005 10 15 | 0,2                                       | 400                      |
|            | 10,0                                      | 052                      |
|            | 29,4                                      | 090                      |
|            | 29,4                                      | 091                      |
|            | 29,4                                      | 092                      |
|            | 29,4                                      | 093                      |
|            | 39,1                                      | 404                      |
|            | 40,6                                      | 064                      |
|            | 53,0                                      | 346                      |
|            | 78,28                                     | 388                      |
|            | 79,6                                      | 038                      |
|            | 90,8                                      | 3                        |
|            | 90,8                                      | 066                      |

(1) The countervailing charge may not exceed 4 % of the customs value.

(2) Origin identification :

- 1 Other countries with the exception of Austria, Argentina, the United States, Bosnia-Herzegovina, Slovenia and the territory of former Yugoslav Republic of Macedonia
  - 2 Other countries with the exception of Japan, Austria, Turkey, Chile, the United States and Canada
  - 3 Other countries with the exception of Argentina, Bulgaria and Chile
- 038 Austria  
 052 Turkey  
 062 The territory of the former Czech and Slovak Federal Republic  
 064 Hungary  
 066 Romania  
 068 Bulgaria  
 388 South Africa  
 400 the United States  
 404 Canada  
 512 Chile  
 528 Argentina  
 090 The territory of former Yugoslav Republic of Macedonia  
 091 Slovenia  
 092 Croatia  
 093 Bosnia-Herzegovina

## COMMISSION REGULATION (EEC) No 616/93

of 17 March 1993

fixing additional amounts for in the eggs 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 (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs<sup>(1)</sup>, as last amended by Regulation (EEC) No 1235/89<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 3821/92<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC<sup>(5)</sup>, No 183/66/EEC<sup>(6)</sup>, No 765/67/EEC<sup>(7)</sup>, (EEC) No 59/70<sup>(8)</sup>, as amended by Regulation (EEC) No

4155/87<sup>(9)</sup> and (EEC) No 2164/72<sup>(10)</sup>, as amended by Regulation (EEC) No 3987/87<sup>(11)</sup>, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69<sup>(12)</sup>, as amended by Regulation (CEE) No 4155/87, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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 additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 18 March 1993.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 29.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 24.

<sup>(5)</sup> OJ No 59, 8. 4. 1965, p. 848/65.

<sup>(6)</sup> OJ No 211, 19. 11. 1966, p. 3602/66.

<sup>(7)</sup> OJ No 260, 27. 10. 1967, p. 24.

<sup>(8)</sup> OJ No L 11, 16. 1. 1970, p. 1.

<sup>(9)</sup> OJ No L 392, 31. 12. 1987, p. 29.

<sup>(10)</sup> OJ No L 232, 12. 10. 1972, p. 3.

<sup>(11)</sup> OJ No L 376, 31. 12. 1987, p. 20.

<sup>(12)</sup> OJ No L 130, 31. 5. 1969, p. 4.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

**ANNEX**

**to the Commission Regulation of 17 March 1993 fixing additional amounts for products in the eggs sector**

| CN code    | Origin of imports (1) | Additional amount |
|------------|-----------------------|-------------------|
|            |                       | ECU/100 kg        |
| 0408 11 10 | 01                    | 150,00            |
| 0408 91 10 | 02                    | 150,00            |

(1) Origin :

01 United States of America,  
02 Estonia.

## COMMISSION REGULATION (EEC) No 617/93

of 17 March 1993

re-establishing the preferential customs duty on imports of single-flower  
(standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EEC) No 3341/92<sup>(3)</sup> opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 2960/92<sup>(4)</sup> fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88<sup>(5)</sup>, as amended by Regulation (EEC) No 3556/88<sup>(6)</sup>, laid down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(7)</sup> 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<sup>(8)</sup>;

Whereas the preferential customs duty fixed for single-flower (standard) carnations originating in Israel by Council Regulation (EEC) No 3341/92 was suspended by Commission Regulation (EEC) No 3406/92<sup>(9)</sup>;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for single-flower (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of single-flower (standard) carnations (CN code ex 0603 10 53) originating in Israel the preferential customs duty set by Regulation (EEC) No 3341/92 is reintroduced.

*Article 2*

This Regulation shall enter into force on 18 March 1993.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 336, 20. 11. 1992, p. 8.

<sup>(4)</sup> OJ No L 298, 14. 10. 1992, p. 9.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(7)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(8)</sup> OJ No L 387, 31. 12. 1992, p. 17.

<sup>(9)</sup> OJ No L 346, 27. 11. 1992, p. 29.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 618/93****of 17 March 1993****amending Regulation (EEC) No 353/93 and increasing to 450 000 tonnes the amount of durum wheat held by the Italian intervention agency for which a standing invitation to tender for resale on the internal market has been opened**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1738/92 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies <sup>(3)</sup>, as last amended by Regulation (EEC) No 3043/91 <sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 353/93 <sup>(5)</sup>, as amended by Regulation (EEC) No 583/93 <sup>(6)</sup>, opened a standing invitation to tender for the resale on the internal market of 150 000 tonnes of durum wheat held by the Italian intervention agency;

Whereas in the present situation on the market the quantity of durum wheat held by the Italian intervention

agency put up for sale on the internal market of the Community should be increased to 450 000 tonnes;

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*

In Article 1 of Regulation (EEC) No 353/93 'of 300 000 tonnes' is replaced by 'of 450 000 tonnes'.

*Article 2*

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

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 288, 18. 10. 1991, p. 21.

<sup>(5)</sup> OJ No L 41, 18. 2. 1993, p. 28.

<sup>(6)</sup> OJ No L 61, 13. 3. 1993, p. 24.

**COMMISSION REGULATION (EEC) No 619/93**  
**of 17 March 1993**  
**on improving the quality of milk in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1374/92<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas provision should be made, amongst the measures for expanding the markets in milk products referred to in the fourth indent of Article 4 (2) of Regulation (EEC) No 1079/77, for measures to improve the quality of milk throughout the Community with a view to facilitating the application of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products<sup>(3)</sup>; whereas the said Directive must be incorporated into national law before 1 January 1994;

Whereas for administrative reasons the organizations possessing the necessary qualifications and experience should be invited to propose detailed programmes which these organizations would themselves carry out;

Whereas, as regards the other arrangements, the main provisions of earlier Regulations, amended in the light of relevant experience, may be repeated;

Whereas the Management Committee for Milk and Milk Products has not issued an opinion in the time limit laid down by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Under the conditions laid down in this Regulation, measures to improve the quality of milk in particular to facilitate the entry into force of Council Directive 92/46/EEC, shall be encouraged throughout the Community.

<sup>(1)</sup> OJ No L 131, 26. 5. 1977, p. 6.

<sup>(2)</sup> OJ No L 147, 29. 5. 1992, p. 3.

<sup>(3)</sup> OJ No L 268, 14. 9. 1992, p. 1.

2. The measures shall be completed before by 31 December 1995.

3. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that limit where the party to a contract makes the appropriate application to the competent authority at least three months before the expiry date and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, this extension may not exceed six months.

*Article 2*

1. The measures referred to in Article 1 (1) shall be proposed and carried out by organizations which:

- (a) have the necessary qualifications and experience;
- (b) give guarantees that they are capable of ensuring the satisfactory completion of the work.

2. Community financing shall be limited to 70 %.

3. In applying paragraph 2, no account shall be taken of administrative expenses incurred in carrying out the measures in question.

4. Financing of the contractor's general expenses, including any expenses incurred by subcontractors, shall be limited to 2 % of the total eligible amount, up to a maximum of ECU 10 000, on condition that such expenses appear in the proposal. A contractor may only claim the maximum amount of ECU 10 000 on a single occasion, even if he concludes several contracts. If the total amount of general expenses exceeds ECU 2 000, they must be fully justified.

*Article 3*

1. Interested parties shall forward to the competent authority designated by the Member State in which their head office is situated, hereinafter referred to as 'the competent authority', detailed proposals concerning the measures referred to in Article 1 (1), together with a summary setting out the main points of the proposed measures.

Proposals must reach the competent authority by 15 May 1993. Where this date is not complied with, proposals shall be considered invalid.

2. Further rules for the submission of proposals shall be as set out in the Annex.

*Article 4*

## 1. Complete proposals shall include :

- (a) the name and address of the party concerned ;
- (b) all details concerning the measures proposed and an indication of the time required for completion, the expected results and any third party who may be involved ;
- (c) the price asked for these measures, net of taxes, expressed in ecus, giving an itemized breakdown of this amount and showing the corresponding financing plan ;
- (d) the most recent report available on the party's activities, unless this is already in the possession of the competent authority.

## 2. Proposals shall be valid only where :

- (a) they are submitted by an applicant fulfilling the conditions laid down in Article 2 (1) ;
- (b) they are accompanied by an undertaking to comply with the provisions implementation criteria laid down by the Commission and put at the disposal of the parties concerned by the competent authority. The implementation criteria shall be attached to the contract and form an integral part thereof.

*Article 5*

1. By 30 June 1993, the competent authority shall compile a list of all the proposals received and forward it to the Commission together with copies of each proposal, including any supporting documents, and a reasoned opinion indicating in particular whether the proposal complies with the provisions applying.

The competent authority shall examine on a bilateral basis with the Commission and a group of national experts, all proposals received and any supporting documents.

2. After consulting the relevant interest groups in the milk industry and following examination of the proposals by the Management Committee for Milk and Milk Products pursuant to Article 31 of Council Regulation (EEC) No 804/68<sup>(1)</sup>, the Commission shall establish as soon as possible a list of the proposals selected for financing and determine the date by which the competent authorities shall conclude contracts for the measures selected with the interested parties. The contracts shall be concluded in as many copies as there are signatories and shall be signed by the parties concerned and the competent authority. For that purpose the competent authorities shall use standard contracts to be provided by the Commission.

3. The competent authority shall inform each of the parties concerned as soon as possible of the decision taken in respect of the proposal.

4. Conclusion of the contract shall be conditional upon the lodging of a security equal to 15 % of the maximum amount qualifying for a Community contribution. The purpose of the security is to ensure that the contract is properly carried out.

*Article 6*

1. The contract referred to in Article 5 (2) shall include the details referred to in Article 4 or make reference to them and supplement those details, where necessary, by additional conditions.

## 2. The competent authority shall :

- (a) send a copy of the contract to the Commission forthwith ;
- (b) ensure compliance with the conditions of the contract, in particular by means of the following checks :
  - administrative and accounting checks to verify the costs borne and compliance with the provisions on joint financing ;
  - checks to verify that measures are implemented in accordance with the provisions of the contract ;
  - other on-the-spot checks, where necessary.

Contracting parties must undergo at least two inspections during the period of validity of the contract.

*Article 7*

1. The Community financing shall be paid by the competent authority to the party concerned in the form of a single advance transfer by 30 September 1993 at the latest.

2. For this purpose the party concerned shall lodge a security equal to 120 % of the Community financing with the competent authority, at the latest when the contract is signed.

3. The securities referred to in paragraph 2 and in Article 5 (4) shall be released subject to :

- (a) the forwarding to the Commission and to the competent authority of the report referred to in Article 8 (1) and to verification of the details contained in that report ;
- (b) confirmation by the competent authority that the party concerned has fulfilled his obligations as laid down in the contract ; and
- (c) confirmation by the competent authority that the party concerned or any third party named in the contract has spent his own contribution for the purposes laid down.

4. Where securities are forfeit the amount in question shall be deducted from the European Agricultural Guidance and Guarantee Fund Guarantee Section, expenditure and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

*Article 8*

1. Each party responsible for one of the measures referred to in Article 1 (1) shall submit to the competent authority, within four months of the final date fixed in the contract for execution of the measures, a detailed report on the utilization of the Community funds allocated and on the results of the measures in question. If the report is submitted later than four months after that final date, 10 % of the Community contribution shall be withheld for each month commenced after expiry of that time limit.

2. The competent authority shall forward to the Commission a statement to the effect that the contract has been performed satisfactorily together with a copy of the final report.

*Article 9*

This Regulation shall enter into force on the seventh 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, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## ANNEX

In accordance with Article 3 (2), interested parties are hereby informed that proposals are to be sent, within the time limits laid down, to the following competent authorities, in accordance with the following additional conditions :

| Member State | Competent authority                                                                                                                     | Method of submission                                                                                |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Belgium      | Office belge de l'économie et de l'agriculture (OBEA),<br>rue de Trèves 82,<br>B-1040 Bruxelles                                         | One original plus two copies by registered letter or by bearer against acknowledgement of receipt.  |
| Denmark      | EF-Direktoratet,<br>Frederiksborggade 18,<br>DK-1360 København K.                                                                       | Three copies by registered letter.                                                                  |
| Germany      | Bundesanstalt für landwirtschaftliche Marktordeung (BALM),<br>Adickesallee 40,<br>D-6000 Frankfurt am Main.                             | Five copies by letter.                                                                              |
| Greece       | Direction for the Management of Agricultural Products (DIDAGEP),<br>241 Acharnon Street,<br>104-16 Athens (Greece).                     | Three copies by registered letter.                                                                  |
| France       | Office national interprofessionnel du lait et des produits laitiers (ONILAIT),<br>2, rue Saint-Charles,<br>F-75740 Paris Cedex 15.      | By registered letter or by bearer against acknowledgement of receipt.                               |
| Ireland      | Department of Agriculture and Food,<br>Milk Policy Division,<br>Floor 1 East,<br>Agriculture House,<br>Kildare Street,<br>IRL-Dublin 2. | Three copies by registered letter or by bearer against acknowledgement of receipt.                  |
| Italy        | Azienda di Stato per gli interventi sul mercato agricolo (AIMA),<br>Via Palestro 81,<br>I-00198 Roma.                                   | One original plus five copies by registered letter or by bearer against acknowledgement of receipt. |
| Luxembourg   | Administration des Services techniques de l'agriculture,<br>16, route d'Esch,<br>L-1470 Luxembourg.                                     | Three copies by registered letter or by bearer against acknowledgement of receipt.                  |
| Netherlands  | Produktschap voor Zuivel,<br>Sir Winston Churchilllaan 275,<br>NL-2288 EA Rijswijk (ZH).                                                | Three copies by registered letter or by bearer against acknowledgement of receipt.                  |
| Portugal     | Instituto Nacional de Intervenção e Garantia Agrícola (INGA),<br>Rua Camilo Castelo Branco, 45, 2º,<br>P-1000 Lisboa.                   | Three copies by registered letter or by bearer against acknowledgement of receipt.                  |

| Member State   | Competent authority                                                                                                                               | Method of submission                                                                  |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Spain          | Secretaría General de Alimentación,<br>Ministerio de Agricultura, Pesca y<br>Alimentación,<br>Paseo Infanta Isabel 1,<br>E-28014 Madrid.          | Three copies by registered letter.                                                    |
| United Kingdom | Intervention Board for Agricultural<br>Produce,<br>Livestock Products Division,<br>Fountain House,<br>Queen's Walk,<br>UK-Reading, Berks RG1 7QW. | Three copies by registered letter or by<br>bearer against acknowledgement of receipt. |

## COMMISSION REGULATION (EEC) No 620/93

of 17 March 1993

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 2046/92<sup>(2)</sup>, and in particular Article 35a thereof,Whereas Commission Regulation (EEC) No 2568/91<sup>(3)</sup>, as last amended by Regulation (EEC) No 183/93<sup>(4)</sup>, defines, *inter alia*, the characteristics of olive-residue oil and the relevant methods of analysis;

Whereas on the basis of the results of analyses made in some producer Member States, the trilinolein content of olive-residue oil should be adapted to take account of the natural characteristics of these products;

Whereas Annex I to Regulation (EEC) No 2568/91 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The figures at 7., 8. and 9. in the Trilinolein column of Annex I to Regulation (EEC) No 2568/91 are hereby amended as follows:

|                              |         |
|------------------------------|---------|
| 7. Crude olive-residue oil   | M 0,7   |
| 8. Refined olive-residue oil | M 0,6   |
| 9. Olive-residue oil         | M 0,6'. |

*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, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.<sup>(2)</sup> OJ No L 215, 30. 7. 1992, p. 1.<sup>(3)</sup> OJ No L 248, 5. 9. 1991, p. 1.<sup>(4)</sup> OJ No L 22, 30. 1. 1993, p. 58.

## COMMISSION REGULATION (EEC) No 621/93

of 17 March 1993

on the sale by tender of beef held by certain intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

*Article 2*

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas the application of intervention measures in respect of beef has created large stocks in the United Kingdom and Ireland whereas in order to prevent an excessive prolongation of storage, part of these stocks should be sold by tender;

Whereas the sale should be made subject to the rules laid down by Commission Regulations (EEC) No 2773/79<sup>(3)</sup>, as amended by Regulation (EEC) No 1809/87<sup>(4)</sup>, subject to certain special exceptions which are necessary;

Whereas it seems appropriate to provide for derogations from provisions of Article 8 (2) (b) of Regulation (EEC) No 2173/79, taking into account the administrative difficulties which the application of this subparagraph raises in the Member States concerned;

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 sale shall take place of:

- approximately 1 000 tonnes of boned meat held by the United Kingdom intervention agency and bought in before 1 January 1991,
- approximately 200 tonnes of boned meat held by the Irish intervention agency and bought in before 1 November 1991.

2. The products referred to in paragraph 1 shall be sold in accordance with Regulation (EEC) No 2173/79, and in particular Articles 6 to 12 thereof, and this Regulation.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 18, 27. 1. 1993, p. 1.

<sup>(3)</sup> OJ No L 251, 5. 10. 1979, p. 12.

<sup>(4)</sup> OJ No L 170, 30. 6. 1987, p. 23.

1. The deadlines for submitting tenders, which must be made out in ecus, shall be 12 noon on 24 March 1993.

The intervention agencies concerned shall draw up a notice of invitation to tender which shall include the following:

- (a) the quantities of beef offered for sale; and
- (b) the deadline and place for submitting tenders.

2. The intervention agencies concerned shall sell first the meat which has been stored the longest.

3. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, the provisions of and the Annexes to this Regulation shall serve as a general notice of invitation to tender.

4. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation. The intervention agencies will, moreover, display the notice referred to in paragraph 1 at their head office and may also publish them elsewhere.

5. Notwithstanding Article 8 (2) (b) if Regulation (EEC) No 2173/79, tenders shall not indicate which cold store or stores the products are held.

*Article 3*

After the offers received in respect of the invitation to tender have been examined a minimum selling price shall be fixed for each product or the sale will not be proceeded with.

*Article 4*

Notwithstanding Article 15 (1) of Regulation (EEC) No 2173/79 the amount of the security shall be ECU 100 per tonne.

*Article 5*

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

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

**ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —  
ALLEGATO I — BIJLAGE I — ANEXO I**

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος<br>Member State<br>État membre<br>Stato membro<br>Lid-Staat<br>Estado-membro | Productos<br>Produkter<br>Erzeugnisse<br>Προϊόντα<br>Products<br>Produits<br>Prodotti<br>Produkten<br>Produtos | Cantidades (toneladas)<br>Mængde (tons)<br>Mengen (Tonnen)<br>Ποσότητες (τόνοι)<br>Quantities (tonnes)<br>Quantités (tonnes)<br>Quantità (tonnellate)<br>Hoeveelheid (ton)<br>Quantidade (toneladas) |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UNITED KINGDOM                                                                                                                        | — Forequarter flanks                                                                                           | 1 000                                                                                                                                                                                                |
| IRELAND                                                                                                                               | — Plates/flanks                                                                                                | 200                                                                                                                                                                                                  |

**ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —  
ALLEGATO II — BIJLAGE II — ANEXO II**

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —  
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses  
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli  
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de  
intervenção**

**UNITED KINGDOM:** Intervention Board for Agriculture Produce  
Fountain House  
2 Queens Walk  
Reading RG1 7QW  
Berkshire  
Tel. (0734) 58 36 26  
Telex 848 302  
Telefax (0734) 56 67 50

**IRELAND:** Department of Agriculture and Food  
Agriculture House  
Kildare Street  
Dublin 2  
Tel. (01) 78 90 11, ext. 2278 and ext. 3806  
Telex 93 292 and 93 607  
Telefax (01) 61 62 63, (01) 78 52 14 and (01) 66 20 198

## COMMISSION REGULATION (EEC) No 622/93

of 17 March 1993

fixing the import levy on molasses

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

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 93/93 <sup>(4)</sup>, as last amended by Regulation (EEC) No 559/93 <sup>(5)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 93/93 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 16 March 1993 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,24 per 100 kilograms.

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

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 7.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 13, 21. 1. 1993, p. 8.

<sup>(5)</sup> OJ No L 58, 11. 3. 1993, p. 53.

**COMMISSION REGULATION (EEC) No 623/93****of 17 March 1993****abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 474/93<sup>(3)</sup> introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

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

charge on imports of fresh lemons originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey<sup>(4)</sup>, as amended by Regulation (EEC) No 1555/84<sup>(5)</sup> the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 474/93 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 21, 29. 1. 1993, p. 16.

<sup>(4)</sup> OJ No L 367, 23. 12. 1981, p. 9.

<sup>(5)</sup> OJ No L 150, 6. 6. 1984, p. 4.

## COMMISSION REGULATION (EEC) No 624/93

of 17 March 1993

fixing the maximum export refund for white sugar for the 45th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 3814/92<sup>(2)</sup>, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup>, as last amended by Regulation (EEC) No 31/93<sup>(4)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 920/92, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 45th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92<sup>(5)</sup>, as last amended by Regulation (EEC) No 3534/92<sup>(6)</sup>, prohibits

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 45th partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 39,100 per 100 kilograms.

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

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 7.

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

<sup>(4)</sup> OJ No L 5, 9. 1. 1993, p. 18.

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

<sup>(6)</sup> OJ No L 358, 8. 12. 1992, p. 16.

**COMMISSION REGULATION (EEC) No 625/93****of 17 March 1993****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 29/93 <sup>(4)</sup>, as last amended by Regulation (EEC) No 610/93 <sup>(5)</sup>;

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 16 March 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 18 March 1993.

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

Done at Brussels, 17 March 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 7.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 5, 9. 1. 1993, p. 14.

<sup>(5)</sup> OJ No L 65, 17. 3. 1993, p. 10.

## ANNEX

to the Commission Regulation of 17 March 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy <sup>(1)</sup>  |
|------------|----------------------|
| 1701 11 10 | 35,42 <sup>(1)</sup> |
| 1701 11 90 | 35,42 <sup>(1)</sup> |
| 1701 12 10 | 35,42 <sup>(1)</sup> |
| 1701 12 90 | 35,42 <sup>(1)</sup> |
| 1701 91 00 | 43,38                |
| 1701 99 10 | 43,38                |
| 1701 99 90 | 43,38 <sup>(2)</sup> |

<sup>(1)</sup> The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

<sup>(2)</sup> In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

<sup>(3)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 4 March 1993

accepting undertakings offered by three producers in connection with the anti-dumping proceeding concerning certain imports of electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea

(93/157/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 10 thereof,

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

Whereas :

ex 8473 30 10 or ex 8548 00 00 for DRAM modules. By Regulation (EEC) No 53/93<sup>(2)</sup>, the Council extended the validity of this duty for a period not exceeding two months.

- (2) In the subsequent procedure it was established that definitive anti-dumping measures should be taken in order to eliminate injurious dumping. The findings and conclusions on all aspects of the investigation are set out in (6) to (44) of Council Regulation (EEC) No 611/93<sup>(4)</sup>.

## PROVISIONAL MEASURES

- (1) By Regulation (EEC) No 2686/92<sup>(3)</sup>, the Commission imposed a provisional anti-dumping duty on imports into the Community of certain types of electronic micro-circuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea and falling within CN codes 8542 11 12, 8542 11 14, 8542 11 16, 8542 11 18 for finished DRAMs, within CN code ex 8542 11 01 for DRAM wafers, within CN code ex 8542 11 05 for DRAM dice or chips and within CN codes

- (3) Having been informed of those conclusions, the Korean producers, Goldstar Electron Co. Ltd, Hyuandai Electronics Industries Co. Ltd and Samsung Electronics Co. Ltd offered undertakings with regard to the resale prices for their products to the first independent customers in the Community. According to those undertakings, the resale prices will reflect the producers' quarterly costs of DRAM production plus a reasonable amount for profit.

- (4) Those undertakings are considered by the Commission to have the effect of setting the Korean producers' resale prices in the Community at a level where dumping is eliminated. Furthermore, as their basis is the cost of production specific to each

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 272, 17. 9. 1992, p. 13.

<sup>(3)</sup> OJ No L 9, 15. 1. 1993, p. 1.

<sup>(4)</sup> See page 1 of this Official Journal.

Korean producer, the Commission considers that the undertakings offer sufficient flexibility to ensure that prices on the Community market remain at a level which does not put the Community user industry at an undue competitive disadvantage.

- (5) In addition, since the Korean producers have undertaken to submit detailed and regular cost and price information to the Commission, it has been concluded that the correct observance of the undertakings can be effectively monitored by the Commission.
- (6) In view of the provisions of Article 15 of Regulation (EEC) No 2423/88, the undertakings should enter into force on the same date as the definitive anti-dumping duty imposed by Regulation (EEC) No 611/93 in the present proceeding.
- (7) In those circumstances, the undertakings offered are considered acceptable and the investigation can, therefore, be terminated with respect to the Korean producers concerned.
- (8) Furthermore, the Commission notes that the producers concerned have been informed of the essential facts and considerations on the basis of which the definitive anti-dumping measures were proposed and had the opportunity to comment on all aspects of the investigation. Accordingly, in these circumstances, if the undertaking has been withdrawn or if the Commission has reason to believe that the undertaking has been violated, it may, where the interests of the Community so require, apply provisional anti-dumping duties forthwith under Article 10 (6) of Regulation (EEC) No 2423/88 and, subsequently, definitive anti-dumping duties on the basis of the facts established

before the undertaking was given if there is no clear evidence of a substantial change in those facts.

- (9) The Advisory Committee was consulted on the acceptance of the undertakings offered, and raised no objection,

HAS DECIDED AS FOLLOWS:

*Article 1*

The undertakings offered by Goldstar Electron Co., Ltd, Hyundai Electronics Industries Co., Ltd and Samsung Electronics Co., Ltd, in connection with the anti-dumping proceeding concerning imports of certain types of micro-circuits known as DRAMs (dynamic random access memories) falling within CN codes 8542 11 12, 8542 11 14, 8542 11 16, 8542 11 18 for finished DRAMs, within CN code ex 8542 11 01 for DRAM wafers, within CN code ex 8542 11 05 for DRAM dice or chips and within CN codes ex 8473 30 10 or ex 8548 00 00 for DRAM modules and originating in the Republic of Korea are hereby accepted.

*Article 2*

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of the companies named in that Article.

Done at Brussels, 4 March 1993.

*For the Commission*

Leon BRITTAN

*Member of the Commission*