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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 681/93
of 25 March 1993**

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

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

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

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

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

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

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

rate established during the reference period from 24 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 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

ANNEX

to the Commission Regulation of 25 March 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁹⁾
0709 90 60	139,98 ⁽²⁾ ⁽³⁾
0712 90 19	139,98 ⁽²⁾ ⁽³⁾
1001 10 00	175,55 ⁽¹⁾ ⁽²⁾ ⁽¹⁰⁾
1001 90 91	142,35
1001 90 99	142,35 ⁽¹¹⁾
1002 00 00	150,45 ⁽⁶⁾
1003 00 10	134,41
1003 00 20	134,41
1003 00 80	134,41 ⁽¹¹⁾
1004 00 00	113,05
1005 10 90	139,98 ⁽²⁾ ⁽³⁾
1005 90 00	139,98 ⁽²⁾ ⁽³⁾
1007 00 90	144,37 ⁽⁴⁾
1008 10 00	48,34 ⁽¹¹⁾
1008 20 00	88,49 ⁽⁴⁾
1008 30 00	49,08 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	49,08
1101 00 00	211,97 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	223,31 ⁽⁸⁾
1103 11 30	284,33 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 50	284,33 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	227,61 ⁽⁸⁾

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

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

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

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 682/93

of 25 March 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 24

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 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

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

ANNEX

to the Commission Regulation of 25 March 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	1,74	1,74	0,35
1001 90 99	0	1,74	1,74	0,35
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	2,43	2,43	0,49

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	3,10	3,10	0,62	0,62
1107 10 19	0	2,31	2,31	0,47	0,47
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 683/93

of 25 March 1993

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

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

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

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

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

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 22 and 23 March 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Commission Regulation (EEC) No 3094/92 (OJ No L 311, 28. 10. 1992, p. 20), as amended by Regulation (EEC) No 3839/92 (OJ No L 387, 31. 12. 1992, p. 71), is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

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

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

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

(c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

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

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by amended Regulation (EEC) No 3094/92 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 684/93**of 25 March 1993****adopting interim protective measures on applications for STM licences in the beef and veal sector submitted for trade with Spain during the period 15 to 18 March 1993**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 85 (1) and 252 (1) thereof,

Whereas Commission Regulation (EEC) No 3810/91 of 18 December 1991 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted at 31 December 1985 and Spain and Portugal and repealing Regulations (EEC) No 4026/89 and (EEC) No 3815/90 ⁽¹⁾, as last amended by Regulation (EEC) No 3826/92 ⁽²⁾, set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued in March and April 1993;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary if the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas the licence applications lodged between 15 and 18 March 1993 are for a quantity in excess of that set for

the months of March and April 1993 for Spain for live animals; whereas as an interim protective measure only a percentage of the amounts applied for in that period should be granted and no further certificates issued for the time being,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than purebred breeding animals and animals for bullfights:

1. applications for STM licences submitted between 15 and 18 March 1993 and notified to the Commission shall be accepted for 33,311 % for Spain;
2. the issuing of STM licences in response to applications submitted from 22 March 1993 onwards is suspended for the time being.

Article 2

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 357, 28. 12. 1991, p. 53.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 40.

COMMISSION REGULATION (EEC) No 685/93**of 24 March 1993****amending Regulation (EEC) No 859/89 laying down detailed rules for the application of general and special intervention measures in the beef and veal sector**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 125/93 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas the beef and veal sector continues to be characterized by a major imbalance between supply and demand, entailing massive official intervention expenditure; whereas, as a result, the progressive reduction in buying-in referred to in Article 6 (1) of Regulation (EEC) No 805/68 could be achieved by means of the tender procedure only by using higher and higher reduction coefficients on tenders or by the gradual reduction of buying-in prices; whereas such a trend risks leading to a downward spiral in market prices, to the detriment of beef and veal producers;

Whereas the experience of the past few years has shown that overproduction results mainly from an increase in the weight of beef and veal carcasses made possible in particular by genetic progress; whereas frequently there is no market demand for these heavier carcasses and this development ultimately encourages production intended for official intervention; whereas, as a result, it is appropriate to limit the weight of carcasses which may be bought in; whereas, however, such a limitation must be gradual in order to maintain the legitimate confidence of

producers and enable them to adapt their output gradually; whereas Commission Regulation (EEC) No 859/89 ⁽³⁾, as last amended by Regulation (EEC) No 343/93 ⁽⁴⁾, should be amended accordingly;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The following point (9) is added to Article 4 (2) of Regulation (EEC) No 859/89:

'(g) they come from carcasses whose weight does not exceed the following levels:

- 380 kg as from the first tendering procedure of July 1993,
- 360 kg as from the first tendering procedure of January 1994,
- 340 kg as from the first tendering procedure of July 1994.'

Article 2

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, 24 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 40, 17. 2. 1993, p. 10.

COMMISSION REGULATION (EEC) No 686/93

of 25 March 1993

amending Regulation (EEC) No 1727/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the Azores and Madeira and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92 of 30 June 1992⁽³⁾, as amended by Regulation (EEC) No 2132/92⁽⁴⁾, lays down common detailed rules for the implementation of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Commission Regulation (EEC) No 1727/92⁽⁵⁾ establishes, pursuant to Article 2 of Regulation (EEC) No 1600/92, the forecast supply balance for cereal products for the Azores and Madeira; whereas the balance allows for interchange of the quantities determined for certain of the products concerned and, if necessary, for an

increase during the year in the overall quantity determined; whereas, in the light of experience and in order to meet requirements in the Azores and Madeira, it is necessary to adjust the forecast supply balance; whereas the Annex to Regulation (EEC) No 1727/92 should therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1727/92 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 213, 29. 7. 1992, p. 25.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 101.

ANNEX

Azores and Madeira : Supply balance for cereals for 1992/93 marketing year

<i>(in tonnes)</i>		
Product	Azores	Madeira
Common wheat	34 000	22 000
Feed wheat	0	2 000
Barley	16 000	4 000
Durum wheat	3 000	6 000
Maize	96 000	28 000
Malt	1 000	2 000
Total	150 000	64 000

COMMISSION REGULATION (EEC) No 687/93

of 25 March 1993

amending Regulation (EEC) No 1728/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the Canary Islands and establishing the forecast supply balance

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EEC) No 1695/92 of 30 June 1992⁽³⁾, as amended by Regulation (EEC) No 2132/92⁽⁴⁾, lays down common detailed rules for the implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by Regulation (EEC) No 2101/92⁽⁶⁾, lays down in particular detailed rules for import licences; whereas Commission Regulation (EEC) No 891/89⁽⁷⁾, as last amended by Regulation (EEC) No 3570/92⁽⁸⁾, lays down additional and exceptional detailed rules specific to the cereals sector;

Whereas, in order to take account of trade practices specific to the cereals sector, Commission Regulation (EEC) No 1728/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the Canary Islands and establishing the forecast supply balance⁽⁹⁾, as amended by Regulation (EEC) No 210/93⁽¹⁰⁾, lays down detailed rules supplementing or derogating from the provisions of Regulation (EEC) No 1695/92;

Whereas the additional provisions laid down by Regulation (EEC) No 1728/92 include a time limit of the first five working days of each month for the submission of licences and certificates; whereas experience has shown that this period is insufficient; whereas it should therefore be adjusted; whereas Regulation (EEC) No 1728/92 should be amended accordingly;

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

Article 4 (1) of Regulation (EEC) No 1728/92 is replaced by the following:

'1. Applications for licences and certificates shall be submitted to the competent authority during the first 10 working days of each month. Licence or certificate applications shall be admissible only if:

- (a) they do not exceed the maximum quantity available when they are lodged;
- (b) prior to the expiry of the time limit laid down for submission of licence and certificate applications, proof has been provided that the party concerned has lodged security of ECU 25 per tonne.'

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.
⁽³⁾ OJ No L 179, 1. 7. 1992, p. 1.
⁽⁴⁾ OJ No L 213, 29. 7. 1992, p. 25.
⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.
⁽⁶⁾ OJ No L 210, 25. 7. 1992, p. 18.
⁽⁷⁾ OJ No L 94, 7. 4. 1989, p. 13.
⁽⁸⁾ OJ No L 362, 11. 12. 1992, p. 51.
⁽⁹⁾ OJ No L 179, 1. 7. 1992, p. 104.
⁽¹⁰⁾ OJ No L 25, 2. 2. 1993, p. 20.

COMMISSION REGULATION (EEC) No 688/93

of 25 March 1993

amending Regulation (EEC) No 388/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and establishing the forecast supply balance

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 2 (6) thereof,

Whereas Commission Regulation (EEC) No 388/92⁽³⁾, as last amended by Regulation (EEC) No 445/93⁽⁴⁾, establishes, pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance for cereal products for the FOD; whereas this balance allows for interchange of the quantities determined for some of the products concerned and, if necessary, for an increase during the year in the overall quantity determined; whereas, in the light of experience and in order to meet malt requirements in the FOD, it is necessary to adjust the forecast supply balance; whereas the Annex to Regulation (EEC) No 388/92 should therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 388/92 is hereby replaced by the Annex to this Regulation.

Article 2

By way of derogation from Article 4 (1) of Regulation (EEC) No 388/92, applications for aid certificates for the supply of barley malt of Community origin may be submitted on all working days of each month.

Article 3

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 16.

⁽⁴⁾ OJ No L 49, 27. 2. 1993, p. 29.

ANNEX

CEREALS SUPPLY BALANCE FOR THE FOD FOR 1993

First half of 1993

(in tonnes)

Cereals originating in third countries (ACP/developing countries) or the Community	Common wheat	Durum wheat	Barley	Maize	Durum wheat groats and meal	Barley malt
Guadeloupe	36 000	0	5 000	10 000	—	750
Martinique	5 000	0	2 000	13 000	1 500	500
French Guiana	1 000	0	500	1 000	—	—
Réunion	20 000	0	10 000	80 000	—	1 000
Total	62 000	0	17 500	104 000	1 500	2 250

187 250

Second half of 1993

(in tonnes)

Cereals originating in third countries (ACP/developing countries) or the Community	Common wheat	Durum wheat	Barley	Maize	Durum wheat groats and meal	Barley malt
Guadeloupe	36 000	0	5 000	10 000	—	750
Martinique	5 000	0	2 000	13 000	1 500	500
French Guiana	1 000	0	500	1 000	—	—
Réunion	20 000	0	10 000	80 000	—	1 000
Total	62 000	0	17 500	104 000	1 500	2 250

187 250

COMMISSION REGULATION (EEC) No 689/93

of 25 March 1993

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 17 (4) thereof,

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

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

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

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

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

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

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

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3814/92⁽²⁾;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽³⁾ 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⁽⁴⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

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

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

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in

particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 1432/92⁽⁷⁾, as last amended by Regulation (EEC) No 3534/92⁽⁸⁾, 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 Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁷⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1992, p. 16.

ANNEX

to the Commission Regulation of 25 March 1993 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0401 10 10 000		5,45	0402 21 91 900		154,37
0401 10 90 000		5,45	0402 21 99 100		112,91
0401 20 11 100		5,45	0402 21 99 200		113,77
0401 20 11 500		8,58	0402 21 99 300		115,34
0401 20 19 100		5,45	0402 21 99 400		124,41
0401 20 19 500		8,58	0402 21 99 500		127,51
0401 20 91 100		11,50	0402 21 99 600		139,36
0401 20 91 500		13,46	0402 21 99 700		146,46
0401 20 99 100		11,50	0402 21 99 900		154,37
0401 20 99 500		13,46	0402 29 15 200		0,6000
0401 30 11 100		17,36	0402 29 15 300		0,9748
0401 30 11 400		26,92	0402 29 15 500		1,0342
0401 30 11 700		40,59	0402 29 15 900		1,1200
0401 30 19 100		17,36	0402 29 19 200		0,6000
0401 30 19 400		26,92	0402 29 19 300		0,9748
0401 30 19 700		40,59	0402 29 19 500		1,0342
0401 30 31 100		48,39	0402 29 19 900		1,1200
0401 30 31 400		75,72	0402 29 91 100		1,1291
0401 30 31 700		83,52	0402 29 91 500		1,2441
0401 30 39 100		48,39	0402 29 99 100		1,1291
0401 30 39 400		75,72	0402 29 99 500		1,2441
0401 30 39 700		83,52	0402 91 11 110		5,45
0401 30 91 100		95,23	0402 91 11 120		11,50
0401 30 91 400		140,12	0402 91 11 310		19,17
0401 30 91 700		163,55	0402 91 11 350		23,87
0401 30 99 100		95,23	0402 91 11 370		29,47
0401 30 99 400		140,12	0402 91 19 110		5,45
0401 30 99 700		163,55	0402 91 19 120		11,50
0402 10 11 000		60,00	0402 91 19 310		19,17
0402 10 19 000		60,00	0402 91 19 350		23,87
0402 10 91 000		0,6000	0402 91 19 370		29,47
0402 10 99 000		0,6000	0402 91 31 100		23,02
0402 21 11 200		60,00	0402 91 31 300		34,83
0402 21 11 300		97,48	0402 91 39 100		23,02
0402 21 11 500		103,42	0402 91 39 300		34,83
0402 21 11 900		112,00	0402 91 51 000		26,92
0402 21 17 000		60,00	0402 91 59 000		26,92
0402 21 19 300		97,48	0402 91 91 000		95,23
0402 21 19 500		103,42	0402 91 99 000		95,23
0402 21 19 900		112,00	0402 99 11 110		0,0545
0402 21 91 100		112,91	0402 99 11 130		0,1150
0402 21 91 200		113,77	0402 99 11 150		0,1909
0402 21 91 300		115,34	0402 99 11 310		22,12
0402 21 91 400		124,41	0402 99 11 330		26,91
0402 21 91 500		127,51	0402 99 11 350		36,34
0402 21 91 600		139,36	0402 99 19 110		0,0545
0402 21 91 700		146,46	0402 99 19 130		0,1150

Product code	Destination (°)	Amount of refund (°)	Product code	Destination (°)	Amount of refund (°)
0402 99 19 150		0,1909	0403 90 59 510		95,23
0402 99 19 310		22,12	0403 90 59 540		140,12
0402 99 19 330		26,91	0403 90 59 570		163,55
0402 99 19 350		36,34	0403 90 61 100		0,0545
0402 99 31 110		0,2497	0403 90 61 300		0,0858
0402 99 31 150		37,89	0403 90 63 000		0,1150
0402 99 31 300		0,4839	0403 90 69 000		0,1736
0402 99 31 500		0,8352	0404 90 11 100		60,00
0402 99 39 110		0,2497	0404 90 11 910		5,45
0402 99 39 150		37,89	0404 90 11 950		19,17
0402 99 39 300		0,4839	0404 90 13 120		60,00
0402 99 39 500		0,8352	0404 90 13 130		97,48
0402 99 91 000		0,9523	0404 90 13 140		103,42
0402 99 99 000		0,9523	0404 90 13 150		112,00
0403 10 02 000		—	0404 90 13 911		5,45
0403 10 04 200		—	0404 90 13 913		11,50
0403 10 04 300		—	0404 90 13 915		17,36
0403 10 04 500		—	0404 90 13 917		26,92
0403 10 04 900		—	0404 90 13 919		40,59
0403 10 06 000		—	0404 90 13 931		19,17
0403 10 12 000		—	0404 90 13 933		23,87
0403 10 14 200		—	0404 90 13 935		29,47
0403 10 14 300		—	0404 90 13 937		34,83
0403 10 14 500		—	0404 90 13 939		36,44
0403 10 14 900		—	0404 90 19 110		112,91
0403 10 16 000		—	0404 90 19 115		113,77
0403 10 22 100		5,45	0404 90 19 120		115,34
0403 10 22 300		8,58	0404 90 19 130		124,41
0403 10 24 000		11,50	0404 90 19 135		127,51
0403 10 26 000		17,36	0404 90 19 150		139,36
0403 10 32 100		0,0545	0404 90 19 160		146,46
0403 10 32 300		0,0858	0404 90 19 180		154,37
0403 10 34 000		0,1150	0404 90 19 900		—
0403 10 36 000		0,1736	0404 90 31 100		60,00
0403 90 11 000		60,00	0404 90 31 910		5,45
0403 90 13 200		60,00	0404 90 31 950		19,17
0403 90 13 300		97,48	0404 90 33 120		60,00
0403 90 13 500		103,42	0404 90 33 130		97,48
0403 90 13 900		112,00	0404 90 33 140		103,42
0403 90 19 000		112,91	0404 90 33 150		112,00
0403 90 31 000		0,6000	0404 90 33 911		5,45
0403 90 33 200		0,6000	0404 90 33 913		11,50
0403 90 33 300		0,9748	0404 90 33 915		17,36
0403 90 33 500		1,0342	0404 90 33 917		26,92
0403 90 33 900		1,1200	0404 90 33 919		40,59
0403 90 39 000		1,1291	0404 90 33 931		19,17
0403 90 51 100		5,45	0404 90 33 933		23,87
0403 90 51 300		8,58	0404 90 33 935		29,47
0403 90 53 000		11,50	0404 90 33 937		34,83
0403 90 59 110		17,36	0404 90 33 939		36,44
0403 90 59 140		26,92	0404 90 39 110		112,91
0403 90 59 170		40,59	0404 90 39 115		113,77
0403 90 59 310		48,39	0404 90 39 120		115,34
0403 90 59 340		75,72	0404 90 39 130		124,41
0403 90 59 370		83,52			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0404 90 39 150		127,51	0405 00 19 500		163,90
0404 90 39 900		—	0405 00 19 700		168,00
0404 90 51 100		0,6000	0405 00 90 100		168,00
0404 90 51 910		0,0545	0405 00 90 900		216,00
0404 90 51 950		22,12	0406 10 20 100		—
0404 90 53 110		0,6000	0406 10 20 200		—
0404 90 53 130		0,9748	0406 10 20 210		—
0404 90 53 150		1,0342	0406 10 20 230	028	—
0404 90 53 170		1,1200		032	—
0404 90 53 911		0,0545		400	37,08
0404 90 53 913		0,1150		404	—
0404 90 53 915		0,1736		---	45,57
0404 90 53 917		0,2692	0406 10 20 290	028	—
0404 90 53 919		0,4059		032	—
0404 90 53 931		22,12		400	37,08
0404 90 53 933		26,91		404	—
0404 90 53 935		36,34		---	45,57
0404 90 53 937		37,89	0406 10 20 610	028	12,83
0404 90 53 939		—		032	12,83
0404 90 59 130		1,1291		036	—
0404 90 59 150		1,2441		038	—
0404 90 59 930		0,5815		400	82,87
0404 90 59 950		0,8352		404	—
0404 90 59 990		0,9523		---	85,02
0404 90 91 100		0,6000	0406 10 20 620	028	19,00
0404 90 91 910		0,0545		032	19,00
0404 90 91 950		22,12		036	—
0404 90 93 110		0,6000		038	—
0404 90 93 130		0,9748		400	91,37
0404 90 93 150		1,0342		404	—
0404 90 93 170		1,1200		---	93,22
0404 90 93 911		0,0545	0406 10 20 630	028	22,80
0404 90 93 913		0,1150		032	22,80
0404 90 93 915		0,1736		036	—
0404 90 93 917		0,2692		038	—
0404 90 93 919		0,4059		400	103,84
0404 90 93 931		22,12		404	—
0404 90 93 933		26,91		---	105,25
0404 90 93 935		36,34	0406 10 20 640	028	—
0404 90 93 937		37,89		032	—
0404 90 93 939		—		036	—
0404 90 99 130		1,1291		038	—
0404 90 99 150		1,2441		400	123,50
0404 90 99 930		0,5815		404	—
0404 90 99 950		0,8352		---	123,50
0404 90 99 990		0,9523	0406 10 20 650	028	26,13
0405 00 11 100		—		032	26,13
0405 00 11 200		127,02		036	—
0405 00 11 300		159,80		038	—
0405 00 11 500		163,90		400	61,75
0405 00 11 700		168,00		404	—
0405 00 19 100		—		---	128,58
0405 00 19 200		127,02			
0405 00 19 300		159,80			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 660		—	0406 30 10 200	028	—
0406 10 20 810	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	41,34
	400	20,39		404	—
	404	—		***	46,25
	***	20,01	0406 30 10 250	028	—
0406 10 20 830	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	41,34
	400	35,74		404	—
	404	—		***	46,25
	***	34,17	0406 30 10 300	028	—
0406 10 20 850	028	—		032	—
	032	—		036	—
	036	—		038	—
	038	—		400	60,69
	400	43,52		404	—
	404	—		***	67,85
	***	41,44	0406 30 10 350	028	—
0406 10 20 870		—		032	—
0406 10 20 900		—		036	—
0406 10 80 000		—		038	—
0406 20 90 100		—		400	41,34
0406 20 90 913		—		404	—
	028	—		***	46,25
	032	—	0406 30 10 400	028	—
	400	83,35		032	—
	404	—		036	—
	***	80,69		038	—
0406 20 90 915	028	—		400	60,69
	032	—		404	—
	400	111,14		***	67,85
	404	—	0406 30 10 450	028	—
	***	107,59		032	—
0406 20 90 917	028	—		036	—
	032	—		038	—
	400	118,09		400	88,38
	404	—		404	—
	***	114,31		***	98,75
0406 20 90 919	028	—	0406 30 10 500		—
	032	—	0406 30 10 550	028	—
	400	131,97		032	—
	404	—		036	—
	***	127,77		038	—
0406 20 90 990		—		400	41,34
0406 30 10 100		—		404	19,00
0406 30 10 150	028	—		***	46,25
	032	—	0406 30 10 600	028	—
	036	—		032	—
	038	—		036	—
	400	19,03		038	—
	404	—		400	60,69
	***	21,69		404	26,60
				***	67,85

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 10 650	028	—	0406 30 31 730	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	88,38		400	60,69
	404	—		404	—
	...	98,75		...	67,85
0406 30 10 700	028	—	0406 30 31 910	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	88,38		400	41,34
	404	—		404	—
	...	98,75		...	46,25
0406 30 10 750	028	—	0406 30 31 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	60,69
	404	—		404	—
	...	120,53		...	67,85
0406 30 10 800	028	—	0406 30 31 950	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	88,38
	404	—		404	—
	...	120,53		...	98,75
0406 30 10 900	028	—	0406 30 39 100	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	41,34
	404	—		404	19,00
	...	120,53		...	46,25
0406 30 31 100	028	—	0406 30 39 300	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	19,03		400	60,69
	404	—		404	26,60
	...	21,69		...	67,85
0406 30 31 300	028	—	0406 30 39 500	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	41,34		400	88,38
	404	—		404	—
	...	46,25		...	98,75
0406 30 31 500	028	—	0406 30 39 700	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	41,34		400	88,38
	404	—		404	—
	...	46,25		...	98,75
0406 30 31 710	028	—	0406 30 39 930	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	41,34		400	88,38
	404	—		404	—
	...	46,25		...	98,75

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 39 950	028	—	0406 90 23 900	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	107,86		400	61,75
	404	—		404	—
	...	120,53		...	128,58
0406 30 90 000	028	—	0406 90 25 100	—	—
	032	—	0406 90 25 900	028	—
	036	—		032	—
	038	—		036	—
	400	107,86		038	—
	404	—		400	61,75
	...	120,53		404	—
0406 40 00 100	—	—		...	128,58
0406 40 00 900	028	—	0406 90 27 100	—	—
	032	—	0406 90 27 900	028	—
	038	—		032	—
	400	114,00		036	—
	404	—		038	—
	...	120,18		400	53,33
	—	—		404	—
0406 90 13 000	028	—		...	108,97
	032	—	0406 90 31 111	—	—
	036	—		028	—
	038	—		032	—
	400	123,50		036	—
	404	—		038	14,25
	...	151,37		400	59,36
0406 90 15 100	028	—		404	15,20
	032	—	0406 90 31 151	...	85,46
	036	—		028	—
	038	—		032	—
	400	123,50		036	—
	404	—		038	—
	...	151,37		400	55,48
0406 90 15 900	—	—		404	14,21
0406 90 17 100	028	—		...	79,64
	032	—	0406 90 31 159	—	—
	036	—		—	—
	038	—		—	—
	400	123,50		028	—
	404	—		032	—
	...	151,37		036	—
0406 90 17 900	—	—		038	14,25
	—	—	0406 90 31 900	400	59,36
	—	—		404	15,20
	—	—		...	85,46
	—	—		028	—
	—	—		032	—
	—	—		036	—
0406 90 21 100	—	—		038	—
	—	—	0406 90 33 111	400	55,48
	—	—		404	14,21
	—	—		...	79,64
	—	—		—	—
	—	—		—	—
	—	—		—	—
0406 90 21 900	—	—		—	—
	—	—	0406 90 33 119	—	—
	—	—		—	—
	—	—		—	—
	—	—		—	—
	—	—		—	—
	—	—		—	—
0406 90 23 100	—	—		—	—
	—	—	0406 90 33 151	—	—
	—	—		—	—
	—	—		—	—
	—	—		—	—
	—	—		—	—
	—	—		—	—

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 33 159		—	0406 90 69 910	028	—
0406 90 33 911		—		032	—
0406 90 33 919	028	—		036	66,50
	032	—		400	142,50
	036	—		404	76,00
	038	14,25		***	156,75
	400	59,36	0406 90 69 990		—
	404	15,20	0406 90 73 100		—
	***	85,46	0406 90 73 900	028	—
0406 90 33 951	028	—		032	—
	032	—		036	40,53
	036	—		400	152,00
	038	—		404	114,00
	400	55,48		***	143,45
	404	14,21	0406 90 75 100		—
	***	79,64	0406 90 75 900	028	—
0406 90 33 959		—		032	—
0406 90 35 110		—		036	—
0406 90 35 190	028	—		400	61,75
	032	—		404	—
	036	40,53		***	119,66
	400	152,00	0406 90 77 100	028	22,80
	404	85,50		032	22,80
	***	150,61		036	—
0406 90 35 910		—		038	—
0406 90 35 990	028	—		400	55,83
	032	—		404	—
	036	—		***	105,25
	038	—	0406 90 77 300	028	—
	400	123,50		032	—
	404	—		036	—
	***	123,50		038	—
0406 90 61 000	028	—		400	61,75
	032	—		404	—
	036	85,50		***	128,58
	400	180,50	0406 90 77 500	028	—
	404	133,00		032	—
	***	175,75		036	—
0406 90 63 100	028	—		038	—
	032	—		400	71,25
	036	99,78		404	—
	400	209,00		***	128,58
	404	152,00	0406 90 79 100		—
	***	201,51	0406 90 79 900	028	—
0406 90 63 900	028	—		032	—
	032	—		036	—
	036	66,50		038	—
	400	142,50		400	53,33
	404	76,00		404	—
	***	156,75		***	108,97
0406 90 69 100		—	0406 90 81 100		—

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 81 900	028	—	0406 90 89 959	028	—
	032	—		032	—
	036	—		036	—
	038	—		038	—
	400	123,50		400	123,50
	404	—		404	—
	***	123,50		***	123,50
0406 90 85 100		—	0406 90 89 971	028	26,13
0406 90 85 910	028	—		032	26,13
	032	—		036	—
	036	40,54		038	—
	400	152,00		400	70,30
	404	85,50		404	—
	***	150,61		***	128,58
0406 90 85 991	028	—	0406 90 89 972	028	—
	032	—		032	—
	036	—		400	37,08
	038	—		404	—
	400	123,50		***	45,57
	404	—	0406 90 89 979	028	26,13
0406 90 85 995	***	123,50		032	26,13
	028	26,13		036	—
	032	26,13		038	—
	036	—		400	70,30
	038	—		404	—
	400	61,75		***	128,58
0406 90 85 999	404	—	0406 90 89 990	028	—
	***	128,58		032	—
	028	12,83		036	—
	032	12,83		038	—
	036	—		400	70,30
	038	—		404	—
0406 90 89 100	400	85,02		***	128,58
	404	—	0406 90 93 000	028	—
	***	85,02		032	—
	028	19,00		036	—
	032	19,00		038	—
	036	—		400	70,30
0406 90 89 200	038	—		404	—
	400	91,37		***	128,58
	404	—	0406 90 99 000	028	—
	***	93,22		032	—
	028	22,80		036	—
	032	22,80		038	—
0406 90 89 300	036	—		400	70,30
	038	—		404	—
	400	103,84		***	128,58
	404	—	2309 10 15 010	028	—
	***	105,25		032	—
0406 90 89 910	028	—		036	—
	032	—		038	—
	036	40,53		400	70,30
	400	152,00		404	—
	404	85,50		***	128,58
	***	143,45	2309 10 15 100	028	—
0406 90 89 951	028	—		032	—
	032	—		036	—
	036	40,53		038	—
	400	152,00		400	70,30
	404	85,50		404	—
	***	143,45		***	128,58
			2309 10 15 200	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 15 300	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 15 400	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 15 500	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 15 700	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 15 900	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 010	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 100	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 200	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 300	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 400	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 500	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 600	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 700	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 800	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 19 900	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 70 010	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 70 100	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 70 200	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58
			2309 10 70 300	028	—
				032	—
				036	—
				038	—
				400	70,30
				404	—
				***	128,58

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
2309 10 70 500		36,00	2309 90 39 300		—
2309 10 70 600		42,00	2309 90 39 400		—
2309 10 70 700		48,00	2309 90 39 500		—
2309 10 70 800		52,80	2309 90 39 600		—
2309 10 70 900		—	2309 90 39 700		—
2309 90 35 010		—	2309 90 39 800		—
2309 90 35 100		—	2309 90 39 900		—
2309 90 35 200		—	2309 90 70 010		—
2309 90 35 300		—	2309 90 70 100		18,00
2309 90 35 400		—	2309 90 70 200		24,00
2309 90 35 500		—	2309 90 70 300		30,00
2309 90 35 700		—	2309 90 70 500		36,00
2309 90 35 900		—	2309 90 70 600		42,00
2309 90 39 010		—	2309 90 70 700		48,00
2309 90 39 100		—	2309 90 70 800		52,80
2309 90 39 200		—	2309 90 70 900		—

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

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

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

(") 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.

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

COMMISSION REGULATION (EEC) No 690/93
of 25 March 1993

**fixing the amounts by which import duties on beef and veal originating in the
African, Caribbean and Pacific States (ACP) are to be reduced**

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

Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural products originating in the
African, Caribbean and Pacific States (ACP) or in the
overseas countries and territories (OCT) ⁽¹⁾, as amended by
Regulation (EEC) No 297/91 ⁽²⁾, and in particular Article
3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90
provides for a 90 % reduction in the import duties on
beef and veal ; whereas the amount of this reduction must
be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90 ⁽³⁾, as amended by Regula-
tion (EEC) No 3808/92 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are
to be reduced pursuant to Article 3 of Regulation (EEC)
No 715/90 shall, in respect of importations during the
second quarter of 1993 be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 36, 8. 2. 1991, p. 9.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.

⁽⁴⁾ See page 35 of this Official Journal.

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

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Bedrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	120,937
0102 90 21	120,937
0102 90 29	120,937
0102 90 41	120,937
0102 90 49	120,937
0102 90 51	120,937
0102 90 59	120,937
0102 90 61	120,937
0102 90 69	120,937
0102 90 71	120,937
0102 90 79	120,937
0201 10 00	229,780
0201 20 20	229,780
0201 20 30	183,823
0201 20 50	275,736
0201 20 90	344,669
0201 30 00	394,254
0202 10 00	173,753
0202 20 10	173,753
0202 20 30	139,002
0202 20 50	217,192
0202 20 90	260,630
0202 30 10	217,192
0202 30 50	217,192
0202 30 90	298,855
0206 10 95	394,254
0206 29 91	298,855
0210 20 10	344,669
0210 20 90	394,254
0210 90 41	394,254
0210 90 90	394,254
1602 50 10	394,254
1602 90 61	394,254

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Codes sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

COMMISSION REGULATION (EEC) No 691/93**of 25 March 1993****altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 2071/92 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Commission Regulation (EEC) No 457/93 ⁽³⁾ has fixed the rates of the refunds applicable from 1 March 1993 to certain dairy products exported in the form of goods not covered by Annex II to the Treaty;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 457/93 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to certain milk products exported in the form of the products which appear in the Annex to Regulation (EEC) No 804/68 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.

⁽³⁾ OJ No L 49, 27. 2. 1993, p. 55.

ANNEX

to the Commission Regulation of 25 March 1993 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund (*)
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 60,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	51,69 112,00
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	23,00 174,00 168,00

(*) 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 692/93**of 25 March 1993****fixing the import levies on rice and broken rice**

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 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC)
No 833/87 of 23 March 1987 laying down detailed rules
for the application of Council Regulation (EEC)
No 3877/86 on imports of rice of the long-grain aromatic
Basmati variety falling within CN codes 1006 10, 1006 20
and 1006 30 ⁽³⁾, as last amended by Regulation (EEC)
No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were
fixed by Commission Regulation (EEC) No 3863/92 ⁽⁵⁾, as
last amended by Regulation (EEC) No 644/93 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in
Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76
shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 390, 31. 12. 1992, p. 89.

⁽⁶⁾ OJ No L 69, 20. 3. 1993, p. 22.

ANNEX

to the Commission Regulation of 25 March 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies ⁽¹⁾		
	Arrangement in Regulation (EEC) No 3877/86 ⁽⁶⁾	ACP Bangladesh (⁽¹⁾) (⁽²⁾) (⁽³⁾) (⁽⁴⁾)	Third countries (except ACP) (⁽⁵⁾)
1006 10 21	—	153,70	314,60
1006 10 23	—	166,29	339,78
1006 10 25	—	166,29	339,78
1006 10 27	254,84	166,29	339,78
1006 10 92	—	153,70	314,60
1006 10 94	—	166,29	339,78
1006 10 96	—	166,29	339,78
1006 10 98	254,84	166,29	339,78
1006 20 11	—	193,02	393,25
1006 20 13	—	208,76	424,73
1006 20 15	—	208,76	424,73
1006 20 17	318,55	208,76	424,73
1006 20 92	—	193,02	393,25
1006 20 94	—	208,76	424,73
1006 20 96	—	208,76	424,73
1006 20 98	318,55	208,76	424,73
1006 30 21	—	239,03	501,92 ⁽⁵⁾
1006 30 23	—	298,43	620,63 ⁽⁵⁾
1006 30 25	—	298,43	620,63 ⁽⁵⁾
1006 30 27	465,47 ⁽⁵⁾	298,43	620,63 ⁽⁵⁾
1006 30 42	—	239,03	501,92 ⁽⁵⁾
1006 30 44	—	298,43	620,63 ⁽⁵⁾
1006 30 46	—	298,43	620,63 ⁽⁵⁾
1006 30 48	465,47 ⁽⁵⁾	298,43	620,63 ⁽⁵⁾
1006 30 61	—	254,92	534,55 ⁽⁵⁾
1006 30 63	—	320,31	665,32 ⁽⁵⁾
1006 30 65	—	320,31	665,32 ⁽⁵⁾
1006 30 67	498,99 ⁽⁵⁾	320,31	665,32 ⁽⁵⁾
1006 30 92	—	254,92	534,55 ⁽⁵⁾
1006 30 94	—	320,31	665,32 ⁽⁵⁾
1006 30 96	—	320,31	665,32 ⁽⁵⁾
1006 30 98	498,99 ⁽⁵⁾	320,31	665,32 ⁽⁵⁾
1006 40 00	—	72,09	150,18

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

⁽⁴⁾ The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

⁽⁵⁾ The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3778/91 (OJ No L 356, 24. 12. 1991, p. 46).

⁽⁶⁾ The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

⁽⁷⁾ No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/CEE concerning semi-milled rice falling within CN codes 1006 30 21 to 1006 30 48 originating in the Netherlands Antilles.

COMMISSION REGULATION (EEC) No 693/93**of 25 March 1993****fixing the premiums to be added to the import levies on rice and broken rice**

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 1418/76
of 21 June 1976 on the common organization of the
market in rice ⁽¹⁾, as last amended by Regulation (EEC)
No 674/92 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice
and broken rice were fixed by Commission Regulation
(EEC) No 3862/92 ⁽³⁾, as last amended by Regulation
(EEC) No 645/93 ⁽⁴⁾;

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 to be added to the import levies fixed in
advance in respect of rice and broken rice originating in
third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 390, 31. 12. 1992, p. 86.

⁽⁴⁾ OJ No L 69, 20. 3. 1993, p. 24.

ANNEX

to the Commission Regulation of 25 March 1993 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 694/93

of 25 March 1993

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1738/92⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92⁽⁴⁾, and in particular Article 12 (4) thereof,

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

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 423/93⁽⁶⁾, as last amended by Regulation (EEC) No 667/93⁽⁷⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁸⁾, amended Council Regulation (EEC) No 2744/75⁽⁹⁾, as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 24 March 1993, as regards floating currencies, should be used to calculate the levies;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾, as last amended by Regulation (EEC) No 1740/78⁽¹¹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 423/93 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 26 March 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 48, 26. 2. 1993, p. 19.

⁽⁷⁾ OJ No L 71, 24. 3. 1993, p. 13.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

ANNEX

to the Commission Regulation of 25 March 1993 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (*)	
	ACP	Third countries (other than ACP) (*)
1102 30 00	158,81	161,83
1103 14 00	158,81	161,83
1103 29 50	158,81	161,83
1104 19 91	269,68	275,72
1108 19 10	227,73	258,56

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

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

COMMISSION REGULATION (EEC) No 695/93

of 25 March 1993

adopting safeguard measures applicable to the placing in free circulation of fishery products landed in the Community by fishing vessels from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 24 (2) thereof,

Whereas the French Republic has asked the Commission to take urgent measures under Article 24 of Regulation (EEC) No 3759/92;

Whereas it has been noted that the volume of direct landings by fishing vessels from third countries has been increasing constantly in several Member States during recent months; whereas, in view of the foreseeable volume of such landings, there is a likelihood that this situation will continue or worsen over the coming months;

Whereas this situation is causing serious difficulties for the disposal of Community production, leading to a substantial increase in market withdrawals;

Whereas the information available to the Commission suggests that such direct landings are causing serious disturbances on the Community market for a number of fishery products likely to jeopardize the objectives of Article 39 of the Treaty; whereas in these circumstances management safeguard measures must be applied to this type of imports for a limited period;

Whereas, in particular, it is necessary to ensure that such landings comply with the relevant marketing and health rules; whereas care must also be taken to ensure that such landings do not threaten the market equilibrium achieved through implementation of the Community's price mechanisms;

Whereas the measures previously adopted under Article 22 (4) (b) of Regulation (EEC) No 3759/92 in Commission Regulation (EEC) No 420/93⁽²⁾, as amended by Regulation (EEC) No 592/93⁽³⁾, have not been sufficient to end the disturbance caused by the increase in direct landings;

Whereas the various fishery products belonging to the same family may often be substituted for one another; whereas the safeguard measures should therefore be extended to cover species with similar commercial characteristics,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to the placing in free circulation of fishery products from the fishing grounds of and landed directly by fishing or factory vessels flying the flag of or registered in a third country with a view to their marketing in the Community's territory.
2. 'Fishery product' means any product listed in Annexes I (A) and (E), II, IV (B) and V to Regulation (EEC) No 3759/92.

Article 2

1. Without prejudice to the provisions of fisheries agreements concluded between the Community and certain third countries, masters of fishing vessels as referred to in Article 1 (1) must notify the competent authorities of the Member State whose landing facilities they wish to use of their time of arrival at the port of landing. They may not carry out any landings unless the competent authorities of that Member State are present during the operation.
2. Fishery products unloaded from vessels as referred to in Article 1 (1) may be placed on the market by public auction only after a declaration has been drawn up and submitted to the authorities of the Member State specifying the quantities landed, broken down by species.
3. Member States shall ensure that the following checks are carried out before the products concerned are put up for sale:
 - (a) health and veterinary checks as provided for by Directive 90/675/EEC⁽⁴⁾, and in particular Articles 11 and 18 (3) thereof, and by Directive 91/493/EEC⁽⁵⁾, and in particular Articles 10 (2) and 11 (7) thereof,

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 48, 26. 2. 1993, p. 12.

⁽³⁾ OJ No L 61, 13. 3. 1993, p. 51.

⁽⁴⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 15.

(b) checks for conformity with the common marketing standards for certain fresh and chilled fish laid down in Council Regulation (EEC) No 103/76⁽¹⁾ and for certain crustaceans laid down in Council Regulation (EEC) No 104/76⁽²⁾.

4. Where products landed from a vessel as referred to in Article 1 (1) are placed on the market by a means other than public auction, the sale shall only become valid and the products may only be removed by the purchaser after production of the declaration provided for in paragraph 2 and satisfactory completion of the checks referred to in paragraph 3 (a) and (b).

5. Operations to be carried out by the customs authorities may be carried out only after production of proof that the products concerned have satisfactorily undergone the checks referred to in paragraph 3 (a) and (b).

Article 3

1. Where the fishery products landed directly from a vessel as referred to in Article 1 (1) are listed in Annex I or Annex VI to Regulation (EEC) No 3759/92 and such products are landed or put up for sale within an area of activity for which there is a recognized producers' organization, they may be sold only in compliance with the withdrawal or selling prices set by the producers' organization in accordance with Article 12 (1) (a) of that Regulation, except where such products are already subject to compliance with the reference prices set in Regulation (EEC) No 420/93, and they must conform with any stipu-

lations made by the organizations regarding regulation of supply or product quality.

Where landing and sale take place outside such an area, products listed in Annex I to Regulation (EEC) No 3759/92 may under no circumstances be sold below the Community withdrawal or selling price fixed for the current marketing year pursuant to Articles 11 and 13 of Regulation (EEC) No 3759/92.

2. Fishery products landed directly from a vessel as referred to in Article 1 (1) and listed in Annexes II, IV.B and V of Regulation (EEC) No 3759/92 may not be sold at a price lower than the reference price fixed under Article 22 of that Regulation.

Article 4

The Member States shall take appropriate steps to ensure compliance with this Regulation, to ensure that the masters of the vessels concerned are informed of the obligations to which they are subject and to arrange for publication within ports of the prices which must be complied with pursuant to Article 3.

Article 5

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*, except for Article 2 (1), which shall enter into force on the third day following its publication.

It shall apply until 30 June 1993.

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

Done at Brussels, 25 March 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 29.

⁽²⁾ OJ No L 20, 28. 1. 1976, p. 35.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 February 1993

relating to a proceeding under Article 85 of the EEC Treaty (IV/34.494 — Tariff structures in the combined transport of goods)

(93/174/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1017/68 of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway⁽¹⁾, as amended by the Act of Accession of Greece,

Having regard to the publication⁽²⁾ of the essential contents of the agreement in question in accordance with Article 26 (3) of Regulation (EEC) No 1017/68,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions in the field of transport,

Whereas :

tors which may be subsidiaries of railway companies or independent companies.

(3) Operators purchase from the railway companies a rail haulage service which comprises the supply of a locomotive and access to infrastructures.

(4) Up to 31 December 1992 each national railway company held a complete legal monopoly to supply such services on the infrastructures it owns or which it was licensed to use exclusively by the national authorities.

(5) Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways⁽³⁾ was implemented on 1 January 1993. Article 10 (2) of the Directive states that 'railway undertakings within the scope of Article 2 shall be granted access on equitable conditions to the infrastructure in the other Member States for the purpose of operating international combined transport goods services'.

(6) Pursuant to Articles 2 and 3 of Directive 91/440/EEC, 'railway undertaking' means any undertaking, established or to be established in a Member State, which has the means to provide rail haulage, the concept of haulage not necessarily implying ownership of the haulage equipment or the use of the undertaking's own workforce.

I. THE FACTS

A. Characteristics of the combined transport industry

- (1) Railway companies only exceptionally sell combined transport services direct to consignors.
- (2) In the vast majority of cases, combined transport services are sold to consignors by specialized opera-

⁽¹⁾ OJ No L 175, 23. 7. 1968, p. 1.

⁽²⁾ OJ No C 195, 1. 8. 1992, p. 3.

⁽³⁾ OJ No L 237, 24. 8. 1991, p. 25.

(7) These provisions mean that, after the entry into force of Directive 91/440/EEC, railway companies will still be the only enterprises authorized and able to provide rail haulage services.

(8) Combined transport operators that are not recognized as railway companies will have to continue purchasing rail haulage solely from the railway companies.

(9) It should be noted that the cost of rail haulage is a determining factor of the price which operators charge for their combined transport services.

B. The relevant market

(10) The relevant market is the market for rail transport services provided by railway companies to combined transport operators. In the context of this case, the services constitute primarily the provision of rail haulage, access to the rail infrastructure and the international coordination of these services between the different railway companies which provide such services.

C. The 'tariff structures' agreement

(11) In 1989 the railway companies that were members of the 'Interunit Subsidiary Committee' of the International Railways Union (UIC) started work on drawing up a common tariff structure for the sale of rail haulage, taking as a basis the intermodal transport unit (ITU) which corresponds to one consignment by road.

(12) The first agreement was concluded by the railway companies in 1990.

(13) That agreement was one of the points challenged in the statement of objections adopted by the Commission on 2 August 1991 concerning the combined transport of goods. The Commission considered that both the content of the agreement and the context in which it would operate were contrary to Article 85 of the EEC Treaty.

(14) On 21 January 1992 the railway companies sent a substantially amended version to the Commission,

which legally constitutes a new agreement under Article 85.

(15) The agreement applies to the sale of rail haulage, excluding the sale of complete trains, in the international combined transport of goods.

(16) The railway companies have defined jointly the grid of coefficients set out in the Annex and have agreed to invoice incidental costs at a flat rate of 1 %.

(17) The agreement applies for five years as from 1 March 1992, leaving aside any minor amendments that may be made to it.

(18) The application of the new tariff structure must comply with the principle of income neutrality, that is, overall it must not entail any increase or decrease in income for the railway companies. Those companies must carry out calculations to ensure compliance with this principle. For this purpose, readjustments may be carried out on certain routes.

II. LEGAL ASSESSMENT

A. Relevant legal provisions

(19) Article 2 of Regulation (EEC) No 1017/68 takes over the prohibition contained in Article 85 (1) of the EEC Treaty of all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market. Article 7 of the Regulation corresponds to Article 85 (2) of the EEC Treaty in that it provides that agreements or decisions prohibited under the Regulation shall be automatically void. Article 8 is based on Article 86 of the EEC Treaty, which prohibits the abuse of dominant positions. These provisions do not alter the substantive content of Article 85 (1) and (2) and Article 86 and are purely declaratory. They were incorporated into the Regulation because Member States were divided at the

time over whether the competition rules did in fact apply to transport. The matter was settled when the Court of Justice held that the competition rules were also applicable to transport⁽¹⁾. The references below to Article 85 (1) and (2) thus also relate to Articles 2 and 7 of Regulation (EEC) No 1017/68, and references to Article 86 also relate to Article 8 of Regulation (EEC) No 1017/68.

As regards exemption from the prohibition, Article 5 of the Regulation contains provisions which spell out the rule in Article 85 (3) with regard to the transport sector in question. The provisions are essentially modelled on the rules in Article 85 (3). Exemption is governed by Article 12 of the Regulation, which also establishes an opposition procedure.

B. Concept of agreement between undertakings

- (20) The provisions of the new combined transport tariff structure were defined and adopted by the railway companies meeting within the Interunit Subsidiary Committee of the UIC.
- (21) Interunit was set up to establish cooperation between piggyback companies and railway companies engaged in international combined transport activities in Europe.
- (22) The Interunit Subsidiary Committee of the UIC is a working party which groups together those railway companies involved in combined transport.
- (23) The agreement between the railway companies on a common tariff structure is therefore an agreement within the meaning of Article 85 of the Treaty.

C. Restrictions of competition

- (24) The agreement in question comprises, on the one hand, provisions on the structure of sales prices and methods for determining such prices and, on the other hand, a common decision on the incidental

costs set at a flat rate of 1 % of the total rail haulage price.

- (25) Although the structure established by the railway companies does not directly concern haulage prices, it will nevertheless have at least an indirect effect on tariff levels.
- (26) Without an agreement between the companies concerned, operators could negotiate with each company for possibly more advantageous terms which could be passed on to users.
- (27) Each railway company could adopt its own tariff structure to attract traffic operating on competing combined transport routes.
- (28) The agreement therefore restricts existing competition between railway companies on combined transport routes.
- (29) It also restricts the potential competition which could emerge after 1 January 1993 if the railway companies make use of the opportunities afforded by Directive 91/440/EEC.
- (30) The provisions of the agreement between the railway companies concerning incidental costs relate to the amount of such costs and not only to the tariff structure.
- (31) In the absence of an agreement fixing the amount of such charges at 1 % of the haulage cost, operators could negotiate with each company and possibly secure a more advantageous rate based, in particular, on the incidental services actually provided by the railway companies.
- (32) Similarly, each railway company could vary the rate to improve its competitive position in relation to other railway companies.
- (33) The agreement between the railway companies on fixing a standard-rate incidental charge thus has the effect of restricting competition between those companies in breach of Article 85 (1) of the Treaty.

D. Effect on trade between Member States

- (34) The agreement concluded between the railway companies to establish a common tariff structure and fix a uniform flat rate for incidental costs concerns the international transport of goods, chiefly between Member States.

⁽¹⁾ See Judgment of the Court of Justice of 4 April 1974 in Case 167/73, *Commission v. France*, [1974] ECR 359, paragraph 29 *et seq.*; Judgment of 30 April 1986 in Joined Cases 209/84 to 213/84 *Ministère Public v. Asjes*, [1986] ECR 1425, paragraph 42.

- (35) The agreement thus affects trade between Member States within the meaning of Article 85 (1) of the Treaty.

E. Article 3 of Regulation (EEC) No 1017/68

- (36) It is clear from the wording of Article 3 that it applies to agreements of which the sole object and effect is :

- to apply technical improvements,
- or
- to achieve technical cooperation,

provided that the undertakings can rely on the means listed in the said Article 3 (a) to (g) to attain these objectives.

For the purposes of this proceeding, the Commission must check whether the agreement establishing a common tariff structure is aimed either at applying technical improvements or at achieving technical cooperation.

- (37) To that end, account must be taken of the information obtained by the Commission and the statements made by the representatives of the railway companies in the course of the proceeding.

- (38) It emerges from those data that the introduction of a new tariff structure based on the ITU is chiefly in response to two concerns of the railway companies.

- (39) First, the old wagon-based tariff structure had encouraged operators to build new types of wagons to take advantage of the tariff structure and secure the lowest possible haulage price.

The wagon-based structure had thus been used by operators in some instances as a means of obtaining a reduction in prices which the railway companies were reluctant to grant.

The new tariff structure based on the ITU is partly designed to overcome this problem.

- (40) Secondly, in 1989 the railway companies adopted a strategy for the development of their combined transport activities. It is clear that, for the railway companies, the new tariff structure is an important part of that strategy.

- (41) It must be concluded from the foregoing that the agreement on a new tariff structure does not have the sole object of applying technical improvements or achieving technical cooperation but aims in particular at preventing a reduction in the revenue of the railways and forms an integral part of their strategy for the development of their combined transport activities.

- (42) As regards the effects of the agreement, the new structure is not designed, overall, to lead to an increase or decrease in income for the railway companies but will nevertheless affect prices for certain routes and for individual consignments.

- (43) It must therefore be concluded that the effects of the agreement in question are not limited to the application of technical improvements or to technical cooperation but that there will also be an impact on prices for certain routes and for individual consignments.

- (44) In addition, the conditions provided for in Article 3 (1) (g) of Regulation (EEC) No 1017/68 are not met.

- (45) Pursuant to Article 3 (1) (g), the prohibition provided for in Article 2 of Regulation (EEC) No 1017/68 and hence in Article 85 (1) of the Treaty may under certain conditions not be applicable to agreements on transport tariff structures, provided such agreements do not lay down transport rates and conditions.

- (46) The agreement between the railway companies on the new tariff structure, however, includes both a grid of tariff coefficients and a decision to invoice incidental costs at a flat rate of 1 % of the haulage price.

- (47) It is clear that the agreement fixing the amount of incidental costs is not an element of the tariff structure but an agreement on transport prices, which is in breach of the conditions set out in Article 3 (1) (g).

- (48) In conclusion, the conditions laid down in Article 3 of Regulation (EEC) No 1017/68 are not met in the present case.

F. Article 5 of Regulation (EEC) No 1017/68

- (49) The agreement on a common tariff structure for the sale of rail haulage by railway companies meets

the conditions of Article 5 of Regulation (EEC) No 1017/68.

between operators, as well as from greater scope for investment in modern rolling stock.

(a) *Furthering of economic progress*

- (50) Combined transport operators are dependent on railway companies for the supply of rail haulage. They can nevertheless in certain cases choose from a range of technically substitutable routes involving different railway companies. In such cases operators may draw benefit from the competition between railway companies for the supply of rail haulage. The existence of a common tariff structure makes it easier for operators, generally of a small size, to compare routes and thus enhances competition between those routes.
- (51) A common tariff structure also makes it easier for haulage suppliers to set international prices which, in certain conditions, is likely to increase the efficiency of combined transport compared with other modes of transport.
- (52) The provisions of the tariff structure can influence the choice of rolling stock used by operators. Yet a tariff structure that will be in force for several years gives combined transport companies the stability they need to invest in rolling stock. The availability of recent, suitable rolling stock is necessary for the development of combined transport.
- (53) In principle, the fixing of a common rate for incidental costs constitutes an agreement on tariffs. In the present case, however, it is absolutely secondary to the total price. In addition, the fixing of a common rate, given the particular conditions in which the market operates, is likely to facilitate price comparisons between the different suppliers of rail haulage.

In general, these elements help to improve the quality of transport services and to further economic progress.

(b) *Benefits for users*

- (54) Users of combined transport gain from the agreement in question as they benefit from increased competition between international routes and

(c) *Indispensable nature of restrictions of competition*

- (55) The Commission considers that in general an agreement on a common tariff structure is not really an agreement on prices but is nevertheless liable to have the same harmful effects on the operation of the market.

In the present case, however, account must be taken of the characteristics of the market in question and in particular the obligation on the railway companies to cooperate in international transport in certain ways, for regulatory but also technical reasons connected with the existence of different and mutually incompatible infrastructures.

The Commission considers that the agreement fixing a common rate for incidental costs may, in view of the special features of the sector, facilitate transactions between haulage suppliers and operators by eliminating unnecessary procedures and invoices involving quite small sums.

- (56) The legal position changed on 1 January 1993 with the implementation of Directive 91/440/EEC, which allows a railway company to operate international combined transport services on its own.

It must be borne in mind, however, that technical difficulties and the absence of technical harmonization will still make some forms of cooperation necessary between railway companies for a transitional period.

- (57) Consequently, the Commission takes the view that the restrictions of competition resulting from the agreement in question are necessary, at least for a transitional period and in view of the specific situation in the relevant market, in order to attain the objectives referred to above.

(d) *No elimination of competition*

- (58) The Commission also considers that the agreement between the railway companies does not eliminate competition in a substantial part of the market in question.

(59) With the exception of the flat rate of 1 % for incidental costs, the agreement does not relate to rail haulage prices, which continue to be set independently by each company.

(60) Competition between the various routes and therefore between the different railway companies will be maintained.

(61) The entry into force on 1 January 1993 of Directive 91/440/EEC on the development of the Community's railways should also make for increased competition between the railway companies.

G. Context in which the agreement operates

(62) The agreement operates in a different context from that prevailing on 2 August 1991. The principal differences are the possibility for any combined transport operator to operate non-exclusively in all segments of the relevant market and the stated intention of the railway companies to confine their tariff agreements to individual international routes.

(63) It can therefore be concluded that the conditions for exemption pursuant to Article 5 of Regulation (EEC) No 1017/68 are now met.

H. Conditions governing exemption

(64) Article 13 of Regulation (EEC) No 1017/68 provides that a decision granting exemption must indicate the period for which it is to be valid and may be accompanied by conditions and obligations.

(65) The agreement concerned by this proceeding was concluded for five years. The Commission considers that the conditions for exemption for a period of five years from its implementation are met.

(66) The granting of exemption must, however, be made subject to certain conditions.

(67) As regards the rate of remuneration for incidental costs, its use must be optional and an exact list should be drawn up of the services covered by these costs and sent to operators and to the

Commission, which must check that the remuneration received corresponds to the services actually provided.

(68) Market trends may require that minor modifications be made to the tariff structure. In view of the special features of the sector, however, such changes should be made after consulting the representatives of operators and should be implemented only after notice of one year.

(69) The agreement relates only to international combined transport, the railway companies reserving the right for the time being to apply different tariff structures to domestic transport services.

In certain specific instances international transport can, however, form a combination of several domestic transport operations. In such cases, the total price for rail haulage will be determined by applying several different domestic tariff structures and may therefore be different from the price obtained by applying a single international tariff structure.

The coexistence of different tariff structures may, on certain routes, lead to discrimination between different operators.

(70) The railway companies should therefore start work to ensure that the coexistence of different tariff structures at the national and international level does not lead to discrimination on different routes.

(71) Railway companies applying the common tariff structure should apply the same structure to all enterprises seeking to acquire rail haulage services, in particular to prevent discrimination between operators.

(72) The agreement in question relates only, with the exception of incidental costs, to the structure of tariffs. Implementation of the agreement must not lead directly or indirectly to generalized agreements or concerted action on the level of tariffs.

(73) One of the advantages of the agreement is that it offers operators some stability to invest in rolling stock. To that end, it is necessary to ensure that the railway companies that signed the agreement are not able to withdraw from it without giving reasonable notice.

- (74) Lastly, the railway companies must ensure that the principle of income neutrality is complied with and that any adjustments are carried out in respect of certain routes if the application of the new structure entails excessive tariff changes,

HAS ADOPTED THIS DECISION:

Article 1

Pursuant to Article 5 of Regulation (EEC) No 1017/68, Article 85 (1) of the EEC Treaty is hereby declared inapplicable for the period 1 March 1992 to 28 February 1997 to the tariff structure agreement on the sale of rail haulage in the international combined transport of goods concluded by the railway companies of the Community.

Article 2

The following obligations are attached to the exemption in Article 1:

- (a) the railway companies must draw up and send to operators and the Commission by 30 March 1993 at the latest a list of the incidental costs covered by the flat rate of 1 %, it being understood that application of that rate is optional;
- (b) all amendments to the tariff structure shall be subject to prior consultation of the operators' representatives and to a minimum period of notice of one year;
- (c) the railway companies must ensure that the coexistence of domestic and international tariff structures does not lead to discrimination between routes: they shall take all necessary measures before 31 December 1993;
- (d) the railway companies that are parties to the agreement must apply the same international tariff structure to all enterprises seeking to acquire rail haulage services;
- (e) the agreement on the tariff structure must not lead directly or indirectly to agreements or concerted action on the level of tariffs;
- (f) each railway company party to the agreement must give notice of one year if it wishes to apply a different tariff structure;
- (g) the railway companies that are parties to the agreement must ensure, within one year of the date of entry into force of the agreement, that the principle of income neutrality is complied with, and must make any adjustments in respect of certain routes if the application of the new structure leads to excessive tariff changes.

Article 3

This Decision is addressed to:

Société nationale des
chemins de fer luxembourgeois
BP 1803

L-1018 Luxembourg

Córas Iompair Éireann

Heuston Station

IRL-Dublin 8

British Railways Board

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UK-London W2 6JY

Deutsche Bundesbahn

Friedrich-Ebert-Anlage, 43-45

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B-1070 Bruxelles

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DK-1349 København

Chemins de fer helléniques

1-3 Karolou Street

GR-104 37 Athens.

Done at Brussels, 24 February 1993.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

	$\leq 8 \text{ t}$	$> 8 \text{ t}$ $\leq 16,5 \text{ t}$	$> 16,5 \text{ t}$ $\leq 22 \text{ t}$	$> 22 \text{ t}$ $\leq 33 \text{ t}$	$> 33 \text{ t}$
$\leq 6,15 \text{ m}$	0,37	0,45	0,55	0,75	0,85
6,16 to 7,82 m	0,37	0,50	0,55	0,75	0,85
7,83 to 9,15 m	0,50	0,55	0,75	0,75	0,85
9,16 to 10,90 m	0,65	0,65	0,85	0,85	0,90
10,91 to 13,75 m	0,70	0,75	1	1	1
Semi-trailers	0,70	0,75	1	1	1