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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2760/93

of 7 October 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 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 application of the rules recalled above to the levy rates indicated by tenderers on 4 and 5 October 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

⁽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.

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,

Article 2

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 3

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 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	70,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	82,00 ⁽³⁾
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.

⁽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	15,40
0711 20 90	15,40
1522 00 31	35,00
1522 00 39	56,00
2306 90 19	6,16

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

COMMISSION REGULATION (EEC) No 2761/93

of 7 October 1993

fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular Article 30 (4) thereof,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges, apples, peaches and nectarines of the common quality

standards 'Extra' Class, Class I and Class II, table grapes of 'Extra' Class and Class I, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾ 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 1068/93⁽⁷⁾;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds in the fruit and vegetables sector shall be fixed at the amounts specified in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 October 1993.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 7 October 1993 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)			(ECU/100 kg net)		
Product code	Destination of refund (1)	Amounts of refunds (2)	Product code	Destination of refund (1)	Amounts of refunds (2)
0702 00 10 100	04	4,50	0806 10 11 900	—	—
0702 00 10 900	—	—	0806 10 15 200	04	4,84
0702 00 90 100	04	4,50	0806 10 15 900	—	—
0702 00 90 900	—	—	0806 10 19 200	04	4,84
0802 12 90 000	04	9,67	0806 10 19 900	—	—
0802 21 00 000	04	11,30	0808 10 31 100	—	—
0802 22 00 000	04	21,80	0808 10 31 910	02	8,00
0802 31 00 000	04	14,00	0808 10 31 990	—	—
0805 10 11 200	01	11,00	0808 10 33 100	—	—
0805 10 11 900	—	—	0808 10 33 910	02	8,00
0805 10 15 200	01	11,00	0808 10 33 990	—	—
0805 10 15 900	—	—	0808 10 39 100	—	—
0805 10 19 200	01	11,00	0808 10 39 910	02	8,00
0805 10 19 900	—	—	0808 10 39 990	—	—
0805 10 21 200	01	11,00	0808 10 51 100	—	—
0805 10 21 900	—	—	0808 10 51 910	02	8,00
0805 10 25 200	01	11,00	0808 10 51 990	—	—
0805 10 25 900	—	—	0808 10 53 100	—	—
0805 10 29 200	01	11,00	0808 10 53 910	02	8,00
0805 10 29 900	—	—	0808 10 53 990	—	—
0805 10 31 200	01	11,00	0808 10 59 100	—	—
0805 10 31 900	—	—	0808 10 59 910	02	8,00
0805 10 35 200	01	11,00	0808 10 59 990	—	—
0805 10 35 900	—	—	0808 10 81 100	—	—
0805 10 39 200	01	11,00	0808 10 81 910	02	8,00
0805 10 39 900	—	—	0808 10 81 990	—	—
0805 10 41 200	01	11,00	0808 10 83 100	—	—
0805 10 41 900	—	—	0808 10 83 910	02	8,00
0805 10 45 200	01	11,00	0808 10 83 990	—	—
0805 10 45 900	—	—	0808 10 89 100	—	—
0805 10 49 200	01	11,00	0808 10 89 910	02	8,00
0805 10 49 900	—	—	0808 10 89 990	—	—
0805 20 50 100	—	—	0809 30 10 100	03	—
0805 20 50 900	—	—	0809 30 10 900	—	—
0805 30 10 100	04	13,50	0809 30 90 100	03	—
0805 30 10 900	—	—	0809 30 90 900	—	—
0806 10 11 200	04	4,84			

(1) The destinations are as follows:

- 01 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland, Malta, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia,
- 02 Sweden, Norway, Iceland, Austria, the Faroe Islands, Finland, Greenland, Malta, Syria, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Kuwait, Yemen), Iran, Jordan, Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 03 all destinations excluding Switzerland and Austria,
- 04 all destinations.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EEC) No 2762/93

of 7 October 1993

amending Regulation (EEC) No 1316/93 on implementing rules for administering an annual quota of 1 000 tonnes of cheese and curd, opened by the Community in respect of Sweden

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

Having regard to Council Regulation (EEC) No 1108/93 of 4 May 1993 laying down certain provisions for the application of the Bilateral Agreements on agriculture between the Community, of the one part, and Austria, Finland, Iceland, Norway and Sweden of the other part⁽¹⁾, and in particular Article 1 thereof,

Whereas Commission Regulation (EEC) No 1316/93⁽²⁾ lays down detailed implementing rules for administering the annual tariff quota of 1 000 tonnes of cheese and curd, opened by the Community in respect of Sweden; whereas verification has shown that the provisions of Article 2 of that Regulation need not apply when import licences are applied for; whereas Article 2 is therefore superfluous and should be deleted as from the entry into force of that Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1316/93 is hereby deleted.

Article 2

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

It shall apply with effect from 15 April 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 113, 7. 5. 1993, p. 1.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 73.

COMMISSION REGULATION (EEC) No 2763/93

of 7 October 1993

opening an invitation to tender for the sale of olive oil held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 12 (4) thereof,

Whereas Article 2 (1) of Council Regulation (EEC) No 2754/78⁽³⁾, as amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency holds certain quantities for olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85⁽⁶⁾, laid down the conditions for the sale by tender on the down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation for the market in virgin olive oil where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity;

Whereas special time limits should be laid down for withdrawal of the olive oil to expedite its placing on the market;

Whereas Article 20 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁷⁾ lays down that tenders submitted in response to invitation to tender be expressed in ecus and Articles 13 to 17 thereof provide for advance fixing of the agricultural conversion rates for the amounts concerned; whereas Article 10 of the said Regulation applies to the olive oil sector only as from the beginning of the 1993/94

marketing year; whereas it is accordingly necessary to specify the operative event for the agricultural conversion rate in the case of this invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 7 000 tonnes of extra virgin olive oil.

Article 2

The notice of invitation to tender shall be published on 12 October 1993.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of AIMA, via Palestro 81, I-00185 Rome.

A copy of the notice of invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach AIMA at the control office, via Palestro 81, I-00185 Rome not later than 2 p.m. (local time) on 21 October 1993.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1992 in a public register of a Member State.

Furthermore, no tender may submit for a quantity in excess of 500 tonnes.

Article 4

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list without mentioning names, stating the highest tender received for each lot put up for sale.

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

Article 5

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 6

The olive oil shall be sold by AIMA not later than the fifth working day after the date of notification of the decision referred to in Article 5.

AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 7

The product shall be withdrawn not later than 30 November 1993.

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be ECU 18 per 100 kilograms.

Article 8

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be ECU 3 per 100 kilograms.

Article 9

The operative event for the agricultural conversion rate applicable in the context of this invitation to tender shall be determined in accordance with the provisions of Article 10 of Regulation (EEC) No 1068/93.

Article 10

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

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 2764/93

of 7 October 1993

determining the overrun in the Community maximum guaranteed area under cotton and the reduced aid for small cotton producers for the 1992/93 marketing year

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

Having regard to Council Regulation (EEC) No 1152/90 of 27 April 1990 instituting a system of aid in favour of small cotton producers⁽¹⁾, as amended by Regulation (EEC) No 2054/92⁽²⁾, and in particular Article 7 (2) thereof,

Whereas, pursuant to Article 7 (2) of the abovementioned Regulation, the Commission is to record any overrun in the Community maximum guaranteed area and is to determine the resulting reduction in the aid; whereas, on the basis of information received from the producer Member States, the Commission has recorded an overrun for the 1992/93 marketing year in the maximum guaranteed area determined by Commission Regulation (EEC) No 2048/90 of 18 July 1990 laying down detailed rules for the application of the system of aid in favour of small cotton producers⁽³⁾, as last amended by Regulation (EEC) No 2227/92⁽⁴⁾; whereas that overrun should therefore be determined and, using the formula laid down in Article 9 (2) of Regulation (EEC) No 2048/90, the reduced aid for that marketing year should be determined as indicated below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1992/93 marketing year, the overrun in the Community maximum guaranteed area under cotton referred to in Article 7 (2) of Regulation (EEC) No 1152/90 shall be 93 195 hectares.

Article 2

For the 1992/93 marketing year, the aid reduced pursuant to Article 7 (2) of Regulation (EEC) No 1152/90 shall be ECU 109,89 per hectare.

Article 3

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

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 116, 8. 5. 1990, p. 1.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 13.

⁽³⁾ OJ No L 187, 19. 7. 1990, p. 29.

⁽⁴⁾ OJ No L 218, 1. 8. 1992, p. 94.

COMMISSION REGULATION (EEC) No 2765/93**of 7 October 1993****temporarily suspending the advance fixing of export refunds on poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 3714/92⁽²⁾,

Having regard to Council Regulation (EEC) No 2779/75 of 29 October 1975 laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the refunds for poultrymeat products were fixed by Commission Regulation (EEC) No 1864/93⁽⁴⁾;

Whereas consideration of the situation on the market in poultrymeat reveals the existence of a number of problems arising from the application of the provisions

concerning the advance fixing of the refund; whereas applications are, for speculative purposes, being submitted for the advance fixing of the refund as a result; whereas the advance fixing of refunds should therefore be suspended immediately, with no action being taken on applications already lodged but not yet dealt with,

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of export refunds for the products referred to in Article 1 of Regulation (EEC) No 2777/75 is suspended for the period 8 to 12 October 1993.

Article 2

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 170, 13. 7. 1993, p. 19.

COMMISSION REGULATION (EEC) No 2766/93
of 7 October 1993
amending the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the second sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas the export refunds on eggs were fixed by Commission Regulation (EEC) No 1863/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1863/93

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2771/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1863/93 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 170, 13. 7. 1993, p. 17.

ANNEX

to the Commission Regulation of 7 October 1993 altering the export refunds on eggs

Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units
0407 00 11 000	02	4,00
0407 00 19 000	05	3,00
	06	2,00
		ECU/100 kg
0407 00 30 000	03	21,00
	04	12,00
0408 11 10 000	01	60,00
0408 19 11 000	01	26,00
0408 19 19 000	01	28,00
0408 91 10 000	01	58,00
0408 99 10 000	01	10,00

⁽¹⁾ The destinations are as follows :

- 01 All destinations,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrein, Oman, Qatar, the United Arab Emirates, the Republic of Yemen, and Hong Kong,
- 04 All destinations except those of 03,
- 05 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen and Iran,
- 06 All destinations except the United States of America and those of 05 above.

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

COMMISSION REGULATION (EEC) No 2767/93
of 7 October 1993
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular the second sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EEC) No 1864/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1864/93

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1864/93 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 170, 13. 7. 1993, p. 19.

ANNEX

to the Commission Regulation of 7 October 1993 altering the export refunds on
poultrymeat

Product code	Destination of refund (1)	Amount of refund (2)	Product code	Destination of refund (1)	Amount of refund (2)
		ECU/100 units			ECU/100 kg
0105 11 11 000	09	4,00	0207 39 11 110	01	4,00
	10	3,00	0207 39 11 190	—	—
0105 11 19 000	09	4,00	0207 39 11 910	—	—
	10	3,00	0207 39 11 990	01	34,00
0105 11 91 000	09	4,00	0207 39 13 000	02	34,00
	10	3,00		03	15,00
0105 11 99 000	09	4,00	0207 39 15 000	01	5,00
	10	3,00	0207 39 21 000	01	22,00
0105 19 10 000	01	4,00	0207 39 23 000	02	40,00
0105 19 90 000	01	3,00		03	21,00
		ECU/100 kg	0207 39 25 100	02	34,00
				03	15,00
0105 91 00 000	01	10,00	0207 39 25 200	02	34,00
0207 10 11 000	01	8,00		03	15,00
0207 10 15 000	04	30,00	0207 39 25 300	02	34,00
	05	23,00		03	15,00
	06	15,00	0207 39 25 400	01	2,50
0207 10 19 100	04	34,00	0207 39 25 900	—	—
	05	27,00	0207 39 31 110	01	5,00
	06	15,00	0207 39 31 190	—	—
0207 10 19 900	11	23,00	0207 39 31 910	—	—
	12	15,00	0207 39 31 990	01	39,00
0207 10 31 000	01	21,00	0207 39 33 000	01	21,00
0207 10 39 000	01	21,00	0207 39 35 000	01	7,00
0207 10 51 000	07	17,00	0207 39 41 000	01	26,00
	08	23,00	0207 39 43 000	01	12,00
0207 10 55 000	07	17,00	0207 39 45 000	01	25,00
	08	27,00	0207 39 47 100	01	7,00
0207 10 59 000	07	17,00	0207 39 47 900	—	—
	08	27,00	0207 39 55 110	01	4,00
0207 21 10 000	04	30,00	0207 39 55 190	—	—
	05	23,00	0207 39 55 910	—	—
	06	15,00	0207 39 55 990	01	38,00
0207 21 90 100	04	34,00	0207 39 57 000	01	27,00
	05	27,00	0207 39 65 000	01	7,00
	06	15,00	0207 39 73 000	07	17,00
0207 21 90 900	11	23,00		08	29,00
	12	15,00	0207 39 77 000	07	16,00
0207 22 10 000	01	21,00		08	27,00
0207 22 90 000	01	21,00	0207 41 10 110	01	4,00
0207 23 11 000	07	17,00	0207 41 10 190	—	—
	08	27,00	0207 41 10 910	—	—
0207 23 19 000	07	17,00	0207 41 10 990	01	34,00
	08	27,00	0207 41 11 000	02	34,00
				03	15,00
			0207 41 21 000	01	5,00

Product code	Destination of refund (1)	Amount of refund (2) ECU/100 kg	Product code	Destination of refund (1)	Amount of refund (2) ECU/100 kg
0207 41 41 000	01	22,00	0207 42 41 000	01	26,00
0207 41 51 000	02	40,00	0207 42 51 000	01	12,00
	03	21,00	0207 42 59 000	01	25,00
0207 41 71 100	02	34,00	0207 42 71 100	01	7,00
	03	15,00	0207 42 71 900	—	—
0207 41 71 200	02	34,00	0207 43 15 110	01	4,00
	03	15,00	0207 43 15 190	—	—
0207 41 71 300	02	34,00	0207 43 15 910	—	—
	03	15,00	0207 43 15 990	01	38,00
0207 41 71 400	01	2,50	0207 43 21 000	01	27,00
0207 41 71 900	—	—	0207 43 31 000	01	7,00
0207 42 10 110	01	5,00	0207 43 53 000	07	17,00
0207 42 10 190	—	—		08	29,00
0207 42 10 910	—	—	0207 43 63 000	07	16,00
0207 42 10 990	01	39,00		08	27,00
0207 42 11 000	01	21,00	1602 39 11 100	01	10,00
0207 42 21 000	01	7,00	1602 39 11 900	—	—

(1) The destinations are as follows:

- 01 All destinations except the United States of America,
- 02 Egypt, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, the Republic of Yemen, Iraq, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia, Latvia, Iran, Singapore, Angola, Lebanon and Syria,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Singapore, the Republic of Yemen, Iraq, Iran, Angola, Lebanon and Syria,
- 05 Ceuta and Melilla, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,
- 06 All destinations except the United States of America and those of 04 and 05 above,
- 07 Hungary, Poland, Romania, the Republics of Croatia, Slovenia, Bosnia-Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro), the former Yugoslav Republic of Macedonia, the Czech Republic, the Slovak Republic and Bulgaria,
- 08 All destinations except the United States of America and those of 07 above,
- 09 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, the Republic of Yemen and Iran,
- 10 All destinations except the United States of America and those of 09 above,
- 11 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia,
- 12 All destinations except the United States of America and that of 11 above.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

COMMISSION REGULATION (EEC) No 2768/93
of 7 October 1993
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2752/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 6 October 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁵⁾ OJ No L 249, 7. 10. 1993, p. 9.

ANNEX

to the Commission Regulation of 7 October 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)	
CN code	Levy ⁽¹⁾
1701 11 10	34,81 ⁽¹⁾
1701 11 90	34,81 ⁽¹⁾
1701 12 10	34,81 ⁽¹⁾
1701 12 90	34,81 ⁽¹⁾
1701 91 00	42,40
1701 99 10	42,40
1701 99 90	42,40 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

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

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 2769/93
of 7 October 1993
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence ; whereas, in this case, a corrective amount must be applied to the refund ;

Whereas Commission Regulation (EEC) No 1533/93 ⁽³⁾ laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92 ; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93 ;

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

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

Done at Brussels, 7 October 1993.

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure ; whereas it may be altered in the period between fixings ;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾ 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 1068/93 ⁽⁵⁾ ;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 7 October 1993 fixing the corrective amount applicable to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		10	11	12	1	2	3	4
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	01	0	0	0	0	0	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 20 000	01	0	0	0	0	0	—	—
1003 00 80 000	01	0	0	0	0	0	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	- 70,00	- 70,00	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	- 10,00	- 10,00	—	—
1101 00 00 130	01	0	0	0	- 10,00	- 10,00	—	—
1101 00 00 150	01	0	0	0	- 10,00	- 10,00	—	—
1101 00 00 170	01	0	0	0	- 10,00	- 10,00	—	—
1101 00 00 180	01	0	0	0	- 10,00	- 10,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 30 200	01	0	0	0	0	0	0	0
1103 11 30 900	—	—	—	—	—	—	—	—
1103 11 50 200	01	0	0	0	0	0	0	0
1103 11 50 400	01	0	0	0	0	0	0	0
1103 11 50 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 2770/93

of 7 October 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93⁽³⁾, laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾ 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 1068/93⁽⁵⁾;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1993.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 7 October 1993 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
0709 90 60 000	—	—	1005 90 00 000	03	35,00
0712 90 19 000	—	—		05	15,00
1001 10 00 200	—	—		02	0
1001 10 00 400	04	60,00	1007 00 90 000	—	—
	02	0	1008 20 00 000	—	—
1001 90 91 000	01	0	1101 00 00 100	01	84,00
1001 90 99 000	03	51,00	1101 00 00 130	01	79,00
	02	15,00	1101 00 00 150	01	73,00
1002 00 00 000	03	25,00	1101 00 00 170	01	68,00
	02	15,00	1101 00 00 180	01	63,00
1003 00 10 000	01	0	1101 00 00 190	—	—
1003 00 20 000	03	58,00	1101 00 00 900	—	—
	02	15,00	1102 10 00 500	01	84,00
1003 00 80 000	03	58,00	1102 10 00 700	—	—
	02	15,00	1102 10 00 900	—	—
1004 00 00 200	—	—	1103 11 30 200	01	65,00 ⁽³⁾
1004 00 00 400	—	—	1103 11 30 900	—	—
1005 10 90 000	—	—	1103 11 50 200	01	65,00 ⁽³⁾
			1103 11 50 400	—	—
			1103 11 50 900	—	—
			1103 11 90 200	01	65,00 ⁽³⁾
			1103 11 90 800	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 04 Tunisia,
- 05 Zones I, III b), VIII a), Cuba and Hungary.

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

⁽³⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 2771/93

of 7 October 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 Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93 ⁽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 6

October 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 2703/93 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 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 7 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Third countries ^(*)
0709 90 60	95,59 ⁽²⁾ ⁽³⁾
0712 90 19	95,59 ⁽²⁾ ⁽³⁾
1001 10 00	69,63 ⁽¹⁾ ⁽³⁾
1001 90 91	86,12
1001 90 99	86,12 ⁽⁹⁾
1002 00 00	112,96 ⁽⁶⁾
1003 00 10	120,43
1003 00 20	120,43
1003 00 80	120,43 ⁽⁹⁾
1004 00 00	89,19
1005 10 90	95,59 ⁽²⁾ ⁽³⁾
1005 90 00	95,59 ⁽²⁾ ⁽³⁾
1007 00 90	100,61 ⁽⁴⁾
1008 10 00	21,48 ⁽⁹⁾
1008 20 00	28,84 ⁽⁴⁾
1008 30 00	27,43 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	27,43
1101 00 00	158,08 ⁽⁹⁾
1102 10 00	195,66
1103 11 30	141,37
1103 11 50	141,37
1103 11 90	180,91
1107 10 11	164,17
1107 10 19	125,42
1107 10 91	225,25 ⁽¹⁰⁾
1107 10 99	171,05 ⁽⁹⁾
1107 20 00	197,55 ⁽¹⁰⁾

⁽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 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ 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.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EEC) No 2772/93**of 7 October 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 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, 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 ⁽³⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 ⁽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 6

October 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 to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1993.

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

Done at Brussels, 7 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 7 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 10	1st period 11	2nd period 12	3rd period 1
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	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
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	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 September 1993

accepting undertakings given in connection with the anti-dumping review in respect of imports of binder and baler twine originating in Brazil, terminating the anti-subsidy review proceeding with regard to these imports and terminating the anti-dumping and anti-subsidy review in respect of imports of binder and baler twine originating in Mexico.

(93/521/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9, 10, 14 and 15 thereof,

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

Whereas :

(2) Following the publication in the *Official Journal of the European Communities* in August 1991 of a notice of the impending expiry of the measures in force⁽²⁾, the Commission received a request for a review lodged by the Liaison Committee of EEC Twine and Cordage Industries (Eurocord) on behalf of producers representing substantially all production of the product concerned in the Community. Subsequently, in a notice published in the *Official Journal of the European Communities*⁽³⁾, the Commission announced the initiation of a review of Decision 87/66/EEC concerning imports of binder and baler twine originating in Brazil and Mexico.

(3) The Commission officially advised the representative of the exporting countries, the Brazilian and Mexican producers, the sole importer known to be concerned and the Community producers, of the above initiation.

It called on the parties concerned to reply to the questionnaires sent to them, and gave them the opportunity to make known their views in writing and to request a hearing.

(4) The Brazilian and Mexican authorities made their views known in writing and cooperated with the Commission.

A. PROCEDURE

(1) In January 1987, by Decision 87/66/EEC⁽²⁾, the Community terminated the investigations in connection with the review of anti-dumping and anti-subsidy measures concerning imports of binder and baler twine originating in Brazil and Mexico on the grounds that the Brazilian and Mexican producers gave and had confirmed undertakings which were considered acceptable.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 34, 5. 2. 1987, p. 55.

⁽³⁾ OJ No C 206, 7. 8. 1991, p. 2.

⁽⁴⁾ OJ No C 111, 30. 4. 1992, p. 11.

All Community producers replied to the questionnaires and made their views known in writing. The Brazilian producers and their main agent in the Community made their views known in writing and requested and were granted a hearing.

- (5) The following Brazilian companies which had offered undertakings in 1987, comprising all Brazilian producers known to export to the Community and their main agent in the Community, Vendcord Ltd, Farnham, Surrey (United Kingdom), co-operated with the Commission:

- Brascorda SA, Bayeux (Paraíba),
- Cisaf SA, Natal (Rio Grande do Norte),
- Cisa SA, Bayeux (Paraíba),
- Cosiba SA, Rio de Janeiro (Rio de Janeiro),
- Fibrasa SA, Bayeux (Paraíba),
- Fisalplast SA, Salvador (Bahia), (company acting also on behalf of Unisal SA, Salvador (Bahia)),
- Sisalana SA, Simões Filho (Bahia),
- Stella Azzurra SA, Simões Filho (Bahia).

- (6) The Mexican authorities informed the Commission that Cordemex SA de CV (Mérida, Yucatán), the producer in Mexico that had offered an undertaking in 1977 which was confirmed in 1987, had now ceased to exist and that three of its factories had been sold. These producers were contacted by the Commission but having just started operations were unable to supply any relevant data.

- (7) The Commission sought and verified all the information available for the purpose of determining dumping and all the information it deemed necessary for the purpose of determining injury and the threat of injury and carried out inspections at the premises of the following Community producers, representing at least 70 % of Community production of the product concerned:

- Bihr Frères SA, Uriménil, France,
- Cordex SA, Esmoriz, Portugal,
- Corfi SA, Espinho, Portugal,
- Filatures et Corderies de Sainte Germaine SA, Bruges, France,
- Quintas & Quintas SA, Povóa de Varzim, Portugal,
- L. P. Weidemann & Sønner I/S, Rudkøbing, Denmark.

- (8) The period selected for the investigation of dumping and subsidization was 1 October 1990 to 30 September 1991.

B. DUMPING

1. Brazil

- (9) No Brazilian producer provided the necessary information regarding its domestic selling prices, selling prices to third countries and costs of production in Brazil. As a result, the Commission was unable to make an examination of normal value as provided for in Article 2 (3) of Regulation (EEC) No 2423/88. On the basis of the information submitted neither the appropriateness of any method for establishing normal value could be determined nor individual dumping calculations completed. Accordingly, individual findings regarding dumping by the Brazilian producers had to be established in accordance with the provisions of Article 7 (7) (b) of Regulation (EEC) No 2423/88.

- (10) For the purpose of determining dumping, the only verified facts available were the findings from the previous investigation, as detailed in recital 17 of Decision 87/66/EEC. No Brazilian producer questioned the conclusion that dumping persisted at least at this level. Indeed, this conclusion was confirmed by the examination of official statistical data regarding Brazilian sales to the United States in 1991. A global comparison on that basis with export prices to the Community during the investigation period showed an even higher dumping margin concerning Brazilian exports of binder and baler twine taken as a whole.

Furthermore, each Brazilian producer informed the Commission that they were ready to offer a new undertaking in respect of their exports of binder and baler twine to the Community and none of them questioned the fact that this offer implied a recognition of the persistence of dumping at a level which was at least equal to that established during the previous investigation.

2. Mexico

- (11) As no producing companies in Mexico were fully operational during the period of investigation and as no imports into the Community of binder and baler twine originating in Mexico have been registered since 1989, no investigation into dumping could be carried out.

C. SUBSIDIES

1. Brazil

- (12) Without any new allegations from the Community industry regarding subsidies, the Commission examined the current situation of the Brazilian

schemes that had been found to constitute countervailable subsidies during the previous investigation.

(a) *Income tax relief on profits from exports*

- (13) It was established during the previous investigation that a scheme created by Decree Law No 1158 of 16 March 1971 (and subsequently extended by laws in 1977 and 1986) provided for exemption from income tax for profits earned on exports. The exporters of binder and baler twine benefited from this exemption, which was found to constitute a countervailable export subsidy.

- (14) The Brazilian authorities provided evidence to the Commission that, from February 1988, a gradually increasing rate of income tax was levied on profits earned from exports, until, by Law No 8034 of 12 April 1990, the system of reduced tax rates on profits from exports was effectively abolished and such profits were taxed at the normal rate of income tax.

(b) *IPI tax credit premium*

- (15) The Brazilian authorities produced evidence to confirm that this credit premium system was terminated on 1 May 1985, as stated in Decision 87/66/EEC.

(c) *Concessionary financing system for exports*

- (16) It was established in the previous investigation that the system of granting loans at preferential rates to exports constituted an export subsidy. Indeed, in accordance with Resolution No 1009 of the Central Bank of Brazil of 2 May 1985, exporters in receipt of such loans were paying interest at the market rate minus an equalization rate of 15 %. The amount of this equalization rate was paid by the fund for the financing of exports (Finex) to the commercial banks providing the loans to, among others, the exporters of binder and baler twine.

- (17) The Brazilian authorities showed that the programme in question was terminated by Resolution No 1744 of 30 March 1990 and that Finex was abolished in October 1990. Finex has been replaced by Proex (programme for financing of exports), for which it has been shown the exporters of binder and baler twine are not eligible.

(d) *Conclusion*

- (18) In view of the above, the Commission considered that no countervailable subsidies were granted to exporters of binder and baler twine in Brazil during the investigation period.

2. Mexico

- (19) Without any new allegations from the Community industry concerning subsidies, the Commission examined the current situation regarding subsidization of binder and baler twine exports from Mexico. In this respect, the 'Secretaria de Comercio y Fomento Industrial' of Mexico certified that no subsidies were given by the government of Mexico for the production or export of binder and baler twine.

D. EFFECTS OF THE EXPIRY OF THE UNDERTAKINGS

1. Current situation regarding the market and Community industry

(a) *Apparent consumption*

- (20) Between the agricultural season 1986/87 (1 October 1986 to 30 September 1987) and the investigation period, the consumption of binder and baler twine in the Community decreased by 29 % (i.e. by 16 948 tonnes). This reflected a world-wide trend, which was slightly more pronounced within the Community.

In addition, contrary to what was generally expected six years ago, this decrease was not due to a switch to synthetic agricultural twine but mainly to changes in harvesting methods. Indeed, during the abovementioned period, the consumption of synthetic agricultural twine increased by only 8,9 % (i.e. by 3 779 tonnes, representing 7 558 tonnes of sisal equivalent).

(b) *Capacity, capacity utilization and production*

- (21) Between 1987 and 1991, the Community spinning industry carried on with the restructuring process initiated in the early 1980s. The following Community producers ceased production of binder and baler twine :

- Bridon Fibres Ltd, Doncaster, United Kingdom,
- Campanini Ugo Spa, Pieve di Cento, Italy,
- Irish Ropes Ltd, Newbridge, County Kildare, Ireland,
- Lankhorst Touwfabrieken bv, Sneek, Netherlands,
- Ostend Stores nv, Oostende, Belgium,
- Sisal Spa, Piacenza, Italy,
- Filariane, Saint-Ouen, France.

In addition, one Community producer, Filature du Vert Gazon SA, Valenciennes, France, shut down completely.

- (22) The restructuring process helped the remaining producers to maintain their production and capacity utilization rate at about 60 % of their installed capacity, although the overall production in the Community was reduced from 40 400 tonnes in 1986/87 to 38 550 tonnes in 1990/91.

(c) *Stocks*

- (23) The examination of stock levels at the end of the four last agricultural seasons revealed that the Community industry was encountering increasing difficulties in selling its production.

(d) *Sales and market share*

- (24) During the period 1986/87 to 1990/91, Community producers taken as a whole reduced their sales but were able to maintain their market share at about 60 % of the apparent consumption of binder and baler twine in the Community.

(e) *Price suppression*

- (25) Over the period 1987/88 to 1990/91, Community producers' selling prices in the Community increased, on average, by 12,4 %. However their total costs increased, on average, by 21,5 %.
- (26) The Commission therefore considered that, despite the price increase, Community producers suffered from price suppression during the last four agricultural seasons, since they were prevented from passing on to their customers the full amount of their cost increase.

(f) *Profitability*

- (27) The Commission found that the Community industry's financial results for the binder and baler twine sector, already at a low level between 1986 and 1988, deteriorated during the agricultural season 1989/90, then slightly improved during the reference period.

(g) *Employment*

- (28) The abovementioned restructuring process in the Community resulted in job losses (about 300 according to best estimates), worsened by the fact that the remaining producers were also obliged (or decided within the framework of plans aiming at an improved productivity) to reduce their personnel employed in the sisal sector by about 13 % between 1987 and 1991.

(h) *Conclusion*

- (29) The examination of the above indicators led the Commission to conclude that the Community industry was still in a relatively weak position, from the point of view of employment, capacity utilization, stocks and profitability. The restructuring

process benefited the remaining producers, but appeared to have reached its efficiency limits.

2. Current situation regarding the volume, market share and prices of imports

(a) *Volume and market share of imports*

- (30) Considered as a whole during the same period, imports from third countries have decreased by 30 %, i.e. in very close proportion to the decrease in consumption on the Community market. Indeed:

— Mexico has ceased to supply the Community market since 1989,

— Brazil's deliveries increased between the agricultural seasons 1986/87 and 1987/88, then substantially decreased mainly because of the impact on consumption of weather conditions in 1989/90 in the Community. Since the beginning of 1991, this decrease should be related to the withdrawal of tariff concession. Indeed, by Council Regulation (EEC) No 283/91⁽¹⁾, the conventional rate applicable to binder and baler twine (12 %) was suspended, the autonomous duty restored and increased from 16 to 25 % regarding sisal products. Meanwhile, the Brazilian producers' market share (calculated on apparent consumption) dropped to 17,8 % during the agricultural season 1989/90 and 12,5 % during the season 1990/91,

— other third countries supplying binder and baler twine to the Community, mainly Tanzania (country benefiting from the GSP scheme) maintained their positions or even increased their deliveries. Taken as a whole, imports from third countries other than Brazil, which in 1986/87 represented a market share of 14 % (on apparent consumption), reached 17,6 % in 1989/90 and 22 % in 1990/91.

(b) *Prices of imports*

- (31) During calendar years 1990 and 1991, the average selling prices (in ecus) of Brazilian producers within the Community, after release into free circulation, decreased by 11,5 %. This price decrease means that the increase in Community customs duty had no impact on the price finally paid by their customers in the Community.

- (32) For the purposes of calculating whether undercutting had occurred, the weighted average sales prices of the six main Brazilian producers were compared with the weighted average sales prices of Community producers' like products on the Belgian,

⁽¹⁾ OJ No L 35, 7. 2. 1991, p. 1.

Danish, French, German and United Kingdom markets (Member States where the Brazilian producers sold binder and baler twine during the reference period). The comparison was made on the same types of products and the same level of trade was respected in all cases. The comparison was made at the customs cleared stage for the Brazilian sales (i.e. taking account of the 25 % duty applicable to these imports since February 1991) and at the delivered stage for the products sold by Community producers.

The comparison confirmed the existence of undercutting practices regarding all Brazilian exports to the Community. The weighted average level of price undercutting was found to be 13,1 %.

- (33) As far as the other third countries supplying binder and baler twine to the Community are concerned (mainly Tanzania), it was found that their imports had been made at prices markedly higher than those for the product originating in Brazil.

(c) *Conclusion*

- (34) From the above, it appeared that the weak position of Community industry during the investigation period was related to a substantial extent to the prices of Brazilian imports. Since the market is very price-transparent and price-sensitive, the Brazilian low-priced deliveries due to dumping had a negative effect, in the form of price suppression, on the prices of the Community industry.

Indeed, the price pressure exerted by Brazilian imports prevented Community producers from taking full account of their increasing costs. They managed to maintain their market share, but given the depressive effect of the Brazilian imports, did so to the detriment of their profitability.

3. **Foreseeable effects of the expiry of the undertakings concerning Brazil**

- (35) The Commission examined, whether, considering the above data, the expiry of the anti-dumping measures in force regarding Brazil would lead again to material injury being caused to the Community industry. This forecast was mainly based on recent developments concerning Brazilian exports on third countries' markets and on the information provided by Brazilian producers regarding their available production capacity and capacity utilization rate.

(a) *Developments of Brazilian exports on third countries' markets*

- (36) The examination of recent developments on other third countries' markets where the Brazilian producers were very active, mainly the USA and Sweden, led the Commission to consider that the risk of the disappearance of the Community industry was not theoretical.

- (37) On the United States market, where the last domestic producers disappeared in the early 1980s, Brazilian spinners have now established a steady market share ranging between 60 to 75 % of total consumption (corresponding to annual deliveries of about 50 000 tonnes).

In recent years, Brazilian prices on the United States market increased steadily, reaching ECU 744 per tonne in 1991 (US \$ 0,922 per kg in 1991, while the average price of total imports was US \$ 0,884 per kg). This price of ECU 744 per tonne was 37 % higher than their average selling price to the Community (ECU 543,8 per tonne) during the same period. Such a pricing policy on the United States market certainly facilitated the practice by Brazilian producers of dumped prices on the Community market.

- (38) In Sweden, where the sole domestic producer has also disappeared, Brazilian producers have now gained a major market share. In 1991/92, a slight price increase for Brazilian deliveries was noticed, together with a further increase in market share, which reached 72 %.

- (39) This situation was made worse by the fact that Brazil is the major producer of both sisal fibre and twine in the world and constitutes a threat to a Community industry that could be the victim, in the near future, of a similar strategy as the one that Brazilian producers appear to have applied on the United States and Swedish markets.

(b) *Available capacities*

- (40) The Brazilian producers did not make the same efforts as Community producers to reduce their over-capacity. They still have an overall annual production capacity of at least 120 000 tonnes and no domestic outlet at all for this capacity. In addition, their average capacity utilization rate appears to be below 55 %. In these conditions, it is highly foreseeable that they could use this capacity to increase their penetration on the Community market at low prices.

(c) Conclusion

- (41) Considering the relatively weak situation (still caused by dumped imports) of the Community industry in a declining market which has been highly influenced by the prices of imports from Brazil, and the trends or facts set out above, it appeared that, if the measure concerning Brazil was allowed to lapse, the risk of recurrence of material injury was, in the short term, considerable. This threat is therefore both foreseeable and, should the measure lapse, imminent.

E. COMMUNITY INTEREST

- (42) In considering the extent to which it would be in the Community interest to maintain measures in force, the Commission has taken account of the interest of the Community industry producing binder and baler twine and of the consumers of the product concerned. In this respect it is recalled that, in Decision 87/66/EEC, the Council had established that measures are in the Community interest.

The underlying elements for that conclusion have not changed substantially. Indeed, the investigation has shown that, in the absence of measures, a continuation of the trends observed would lead to the most negative consequences for the Community industry concerned and, following a period of severe restructuring, would endanger its continued viability. The loss of this industry would have serious consequences from the point of view of employment and investment expenditure.

- (43) As far as consumers are concerned, it appeared that the product in question was generally traded by farmers' cooperatives and companies specialized in harvesting machinery. Neither these intermediaries nor any end users' representatives manifested themselves throughout the proceeding.
- (44) During the previous investigation, it was considered that, as binder and baler twine appeared to be substitutable with synthetic twine and the latter less expensive, Community producers were likely to convert production, if not in the short term, at least in the forthcoming years. Then, the only reasons for farmers' possible reluctance in adopting synthetic twine were found in tradition which was limited to certain areas. The measures were therefore set up with a view to permitting a smoother conversion to the alternative product (see recital 35 of Decision 87/66/EEC).
- (45) This forecast has turned out to be inaccurate. Firstly, in the meantime increasing ecological concerns are now militating in favour of the use of

natural products. Secondly, the replacement by farmers of their machinery was delayed by the difficulties encountered by this sector, which are not likely to disappear in the short term. As only the highest segment of the most modern harvesting machinery requires a thin synthetic twine, it appears that sisal agricultural twine still has a future and will remain a product that Community producers, considered as a whole, should be able to offer. Otherwise, the overall survival of the Community spinning industry, including synthetic, could be threatened.

- (46) From all the above considerations, the Commission concluded that the interest of the Community clearly lies in maintaining protection for its binder and baler twine industry against unfair imports originating in Brazil.

F. TERMINATION AND ACCEPTANCE OF UNDERTAKING

- (47) In view of the above findings, the Commission concluded that the anti-subsidy review proceeding should be terminated with regard to both Brazil and Mexico.
- (48) Since there was no indication of dumping by Mexican producers, the Commission also concluded that the review of Decision 87/66/EEC as it concerned imports of binder and baler twine originating in Mexico should be terminated without imposing protective measures, with the effect that the anti-dumping and anti-subsidy measures in force with regard to Mexico lapse.
- (49) As grounds for maintaining measures regarding Brazil were found within the framework of the anti-dumping review investigation, the Commission considered that the measures in force in respect of Brazil should be renewed in such a way that they will remain proportionate to the threat of injury found during the investigation in relation to dumping.
- (50) For this purpose, the Commission examined whether price undertakings could replace the existing quantitative undertakings. In this respect, the Commission found that the arguments which had previously led to the acceptance of quantitative undertakings were still valid. Indeed, in the absence of an international spot quotation concerning sisal fibre, variations in price of the prime material cannot be monitored and create a factor of unpredictability as to whether a price undertaking would still be effective shortly after its acceptance. On the other hand, the quantitative measures in force in respect of Brazil were to a certain extent effective and could be adapted to changes in the size of the Community market.

The Commission examined the new undertakings offered by the Brazilian producers (see recital 10) and considered that the new terms and conditions of these undertakings, which would maintain the level of imports up to an amount that should avoid the reappearance of material injury to the Community industry, were acceptable.

In addition, these undertakings were considered as a proportionate and appropriate remedy since their correct observance can be effectively monitored by the Commission. To this effect, the Brazilian producers have undertaken to submit to the Commission detailed and regular reports on their exports to the Community.

- (51) Should these undertakings not be complied with or be withdrawn by one or several producers concerned, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose on imports from the producers concerned a provisional anti-dumping duty on the basis of the results and conclusions of the investigation set out in recitals 9 and 10.
- (52) When the Advisory Committee was consulted on the acceptance of the undertakings offered, three Member States raised objections. Therefore, in accordance with Article 9 and 10 (1) of Regulation (EEC) No 2423/88, the Commission sent a report to the Council on the results of the consultations and a proposal that the investigation be terminated by the acceptance of undertakings. As the Council has not decided otherwise within one month, the present Decision should stand adopted,

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings given by:

- Brascorda SA, Bayeux (Paraíba),
- Cisaf SA, Natal (Rio Grande do Norte),
- Cisol SA, Bayeux (Paraíba),

- Cosibra SA, Rio de Janeiro (Rio de Janeiro),
- Fibrasa SA, Bayeux (Paraíba),
- Fisalplast SA, Salvador (Bahia),
- Sisalana SA, Simões Filho (Bahia),
- Stella Azzurra SA, Simões Filho (Bahia),
- Unisal SA, Salvador (Bahia),

in connection with the anti-dumping review of Decision 87/66/EEC, as regards imports of binder and baler twine falling within CN code ex 5607 21 00 originating in Brazil, are hereby accepted.

Article 2

The anti-subsidy review proceeding with regard to imports of binder and baler twine falling within CN code ex 5607 21 00, originating in Brazil, is hereby terminated.

Article 3

The anti-dumping and anti-subsidy review of Decision 87/66/EEC, as regards imports of binder and baler twine falling within CN code ex 5607 21 00 originating in Mexico, is hereby terminated, with the effect that the anti-dumping and anti-subsidy measures in force concerning these imports lapse.

Article 4

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 3 September 1993.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 30 September 1993

on the definition of the measures eligible for Community financing in the programmes for the control of organisms harmful to plants or plant products in the French overseas departments, in the Azores and in Madeira

(Only the French and Portuguese texts are authentic)

(93/522/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

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 the last sentence of the first subparagraph of Article 11 (3) thereof,

The measures in the programmes for the control of organisms harmful to plants or plant products that are eligible for Community financing, as referred to in the last sentence of the first subparagraph of Article 11 (3) of Council Regulation (EEC) No 3763/91 for the French overseas departments and in the last sentence of Article 33 (3) of Regulation (EEC) No 1600/92 for the Azores and Madeira, are defined in the Annex to this Decision.

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⁽³⁾, as last amended by Regulation (EEC) No 3714/92, and in particular the last sentence of Article 33 (3) thereof,

Article 2

The measures eligible for Community financing shall relate to all or part of the programmes for the control of harmful organisms as defined in Article 2 (1) (e) of Directive 77/93/EEC.

Whereas Council Directive 77/93/EEC⁽⁴⁾, as last amended by Directive 93/19/EEC⁽⁵⁾, lays down protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;

Article 3

Whereas the plant health of agricultural crops in the French overseas departments, in the Azores and in Madeira is subject to particular problems associated with the climate and the inadequacy of the control measures hitherto applied there; whereas programmes should be implemented to combat organisms harmful to plants or plant products in the Community's remoter regions; whereas the Community's financial contribution towards such programmes should be specified;

The Community's financial contribution toward programmes for the control of organisms harmful to plants or plant products shall be decided on an annual basis and shall each year concern only measures that have led or will lead to expenditure during the six-month period preceding the date of notification of the Commission decisions concerning the Community's annual contribution to the financing of programmes for the control of harmful organisms for the benefit of the French overseas departments, the Azores and Madeira respectively and the period between the date of notification of those decisions and 31 December of the year of notification.

Whereas only certain eligible measures among the measures carried out by the Member States in question are affected by the Community's financial contribution;

Article 4

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

The provisions of this Decision may be re-examined in the light of annual reports drawn up by France and Portugal and addressed to the Commission on the functioning of the programmes for control specific to the French overseas departments, to the Azores and to Madeira respectively.

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽⁴⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽⁵⁾ OJ No L 96, 22. 4. 1993, p. 33.

Article 5

This Decision is addressed to the French Republic and the Portuguese Republic.

Done at Brussels, 30 September 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX**MEASURES ELIGIBLE FOR COMMUNITY FINANCING IN PROGRAMMES FOR THE CONTROL OF ORGANISMS HARMFUL TO PLANTS OR PLANT PRODUCTS IN THE FRENCH OVERSEAS DEPARTMENTS AND IN THE AZORES AND IN MADEIRA****I. Measures concerning knowledge of the local phytosanitary situation**

- Official studies and surveys in order to have a better knowledge of the local situation as regards harmful organisms :
 - mapping of harmful organisms,
 - evaluation of the economic impact of harmful organisms,
 - evaluation of the risk of evolution of harmful organisms.
- Studies and surveys in order to maintain surveillance of zones which are to be protected against the introduction of harmful organisms.

II. Preventive measures against organisms harmful to plant or plant products

- Preventive measures taken in respect of plants, plant products and other objects suspected of being contaminated.
- Inspections on farms intended to ensure compliance of plants or plant products with the phytosanitary requirements.
- Organization of official phytosanitary survey and alert networks against the contamination of crops by harmful organisms.
- Official laboratory or field experiments in order to look for means to avoid or limit the damage caused by harmful organisms :
 - search for resistant varieties,
 - search for methods of chemical or biological control or prophylactic methods,
 - studies on biology of harmful organisms.
- Perfecting diagnosis methods for harmful organisms.

III. Curative measures against organisms harmful to plants or plant products

- Implementation of official programmes for collective control of organisms harmful to crops and natural flora, including forests, covering the purchase of equipment and the operating expenses brought about by such programmes.
- Curative measures taken in respect of plants and plant products :
 - destruction,
 - fumigation, treatment,
 - laboratory tests.

IV. Measures of technical support to programmes for the control of organisms harmful to plants and plant products

- Equipment and functioning of laboratories carrying out diagnosis or determination of harmful organisms for the official authorities of the remoter regions.
- Contribution to the setting up and functioning of production units for biological control.
- Contribution to the setting up and functioning of installations for fumigation and storage of plants and plant products submitted to plant health checks.
- Recruitment of staff for carrying out the control programmes.
- Equipment of staff in charge of carrying out the official control programmes, particularly including the means of overland transport to the places involved.
- Technical training of the staff in charge of carrying out the control programmes.
- Carrying out of official information campaigns for farmers on collective and individual methods of control of harmful organisms, including :
 - setting up and development of phytosanitary information networks (any form),
 - organization of training sessions for farmers.
- Organization of official information meetings with farmers and organizations affected by the control programmes.

COMMISSION DECISION

of 6 October 1993

amending for the second time Decision 93/144/EEC on certain protective measures in respect of salmon from Norway

(93/523/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as last amended by Decision 92/438/EEC⁽²⁾, and in particular Article 18 (7) thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽³⁾, as last amended by Directive 92/118/EEC⁽⁴⁾, and in particular Article 19 (7) thereof,

Whereas following the appearance of infectious anaemia of salmon in Norway the Commission by Decision 93/144/EEC⁽⁵⁾, subsequently amended by Decision 93/209/EEC⁽⁶⁾, prohibited importation of salmon of the species *Salmo salar*, live or dead but unviscerated, originating in Norway;

Whereas the period of validity of this measure should be extended so that the situation for this disease in Norway can be reviewed in the light of the information available;

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 3 of Directive 93/144/EEC, '30 September 1993' is hereby replaced by '31 December 1993'.

Article 2

Member States shall alter the measures they apply to trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.

⁽³⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁵⁾ OJ No L 56, 9. 3. 1993, p. 48.

⁽⁶⁾ OJ No L 88, 8. 4. 1993, p. 50.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2534/93 of 14 September 1993 fixing, for August 1993, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

(Official Journal of the European Communities No L 232 of 15 September 1993)

On page 27, in the Annex :

for: '2,65526 Dutch guilders',

read: '2,65256 Dutch guilders'.
