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## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 2860/93 of 18 October 1993 amending Regulation (EEC) No 577/91 imposing a definitive anti-dumping duty on imports of certain types of electronic microcircuits known as Eproms (erasable programmable read-only memories) originating in Japan ..... 1
- ★ Council Regulation (EEC) No 2861/93 of 18 October 1993 imposing a definitive anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China, and collecting definitively the provisional duty imposed ..... 4
- ★ Council Regulation (EEC) No 2862/93 of 18 October 1993 amending Regulation (EEC) No 3915/92 opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural and industrial products ..... 11
- ★ Commission Regulation (EEC) No 2863/93 of 19 October 1993 establishing unit values for the determination of the customs value of certain perishable goods ..... 12
- Commission Regulation (EEC) No 2864/93 of 20 October 1993 on the supply of vegetable oil as food aid ..... 16
- ★ Commission Regulation (EEC) No 2865/93 of 20 October 1993 reintroducing customs duties on products of CN codes 3102 10 10, ex 7304, 7305 and ex 7306 originating in the Republics of Croatia, Bosnia-Herzegovina and Slovenia and in the territory of the former Yugoslav Republic of Macedonia for which tariff ceilings were opened by Council Regulation (EEC) No 478/83 ..... 20
- ★ Commission Regulation (EEC) No 2866/93 of 20 October 1993 amending Regulation (EEC) No 1756/93 fixing the operative events for the agricultural conversion rate applicable to milk and milk products ..... 24

Price : ECU 18

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

|                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ Commission Regulation (EEC) No 2867/93 of 20 October 1993 amending Regulation (EEC) No 2377/80 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ...                                                                                                                                                                                      | 26 |
| ★ Commission Regulation (EEC) No 2868/93 of 20 October 1993 amending Annex X to Regulation (EEC) No 3587/86 fixing the conversion factors to be applied to the buying-in prices for fruit and vegetables as regards apples ....                                                                                                                                                                                 | 27 |
| ★ Commission Regulation (EEC) No 2869/93 of 20 October 1993 amending Regulation (EEC) No 3567/92 concerning the notification deadlines for the transfers of rights and temporary leases laid down by Council Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat .....                                                                                               | 28 |
| Commission Regulation (EEC) No 2870/93 of 20 October 1993 on the opening of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making wheat held by the French intervention agency .....                                                                                                                                                                          | 30 |
| Commission Regulation (EEC) No 2871/93 of 20 October 1993 on the issue of a standing invitation to tender for the resale on the internal market of 400 000 tonnes of bread-making wheat held by the German intervention agency with a view to its processing in the other Member States .....                                                                                                                   | 32 |
| ★ Commission Regulation (EEC) No 2872/93 of 20 October 1993 re-establishing the levying of customs duties on products falling within CN codes 2523, originating in Poland and in the territory of the former Czech and Slovak Republic, to which the tariff ceilings set out in Council Regulation (EEC) No 3918/92 apply .....                                                                                 | 34 |
| ★ Commission Regulation (EEC) No 2873/93 of 20 October 1993 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export to certain destinations .....                                                                                                                                                                  | 36 |
| ★ Commission Regulation (EEC) No 2874/93 of 20 October 1993 on the sale of beef at prices fixed at a flat rate in advance held by certain intervention agencies and intended for supplying the Canary Islands and repealing Regulation (EEC) No 1777/93 .....                                                                                                                                                   | 39 |
| ★ Commission Regulation (EEC) No 2875/93 of 20 October 1993 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, and repealing Regulation (EEC) No 2626/93 .....                                                                                                                                               | 43 |
| ★ Commission Regulation (EEC) No 2876/93 of 20 October 1993 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies .....                                                                                                                                                                                                                           | 47 |
| Commission Regulation (EEC) No 2877/93 of 20 October 1993 determining the extent to which applications lodged in October 1993 for import licences for fresh, chilled or frozen beef under the import arrangements provided for in the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic (CSFR) can be accepted ..... | 49 |
| Commission Regulation (EEC) No 2878/93 of 20 October 1993 fixing the import levy on molasses .....                                                                                                                                                                                                                                                                                                              | 50 |
| Commission Regulation (EEC) No 2879/93 of 20 October 1993 amending Regulation (EEC) No 2711/93 derogating, for a limited period, from the provisions for systematic adjustment of the agricultural conversion rates .....                                                                                                                                                                                       | 51 |

Contents (continued)

|                                                                                                                                                                                                                                                                         |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Commission Regulation (EEC) No 2880/93 of 20 October 1993 fixing the import levies on rice and broken rice .....                                                                                                                                                        | 52        |
| Commission Regulation (EEC) No 2881/93 of 20 October 1993 fixing the premiums to be added to the import levies on rice and broken rice .....                                                                                                                            | 54        |
| Commission Regulation (EEC) No 2882/93 of 20 October 1993 altering the export refunds on white sugar and raw sugar exported in the natural state .....                                                                                                                  | 56        |
| Commission Regulation (EEC) No 2883/93 of 20 October 1993 fixing the maximum export refund for white sugar for the 21st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93 ..... | 58        |
| <b>* Commission Regulation (EEC) No 2884/93 of 20 October 1993 amending Regulation (EEC) No 891/89 on special detailed rules for the application of the system of import and export licences for cereals and rice .....</b>                                             | <b>59</b> |
| Commission Regulation (EEC) No 2885/93 of 20 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal .....                                                                                                                          | 60        |
| Commission Regulation (EEC) No 2886/93 of 20 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt .....                                                                                                                         | 62        |

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II *Acts whose publication is not obligatory*

**Commission**

93/538/EEC :

- |                                                                                                                                                                                                                                                                                |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>* Commission Decision of 18 October 1993 accepting an undertaking in connection with the anti-dumping proceeding concerning imports of certain types of electronic micro-circuits known as Eproms (erasable programmable read only memories) originating in Japan .....</b> | <b>64</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

93/539/EEC :

- |                                                                                                                                                                             |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>* Commission Decision of 20 October 1993 concerning certain protection measures relating to classical swine fever in Germany and repealing Decision 93/364/EEC .....</b> | <b>67</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

## I

*(Acts whose publication is obligatory)*

## COUNCIL REGULATION (EEC) No 2860/93

of 18 October 1993

amending Regulation (EEC) No 577/91 imposing a definitive anti-dumping duty on imports of certain types of electronic microcircuits known as Eproms (erasable programmable read-only memories) originating in Japan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

## I. Previous investigation

- (1) The Council by Regulation (EEC) No 577/91<sup>(2)</sup>, imposed a definitive anti-dumping duty on imports of certain types of electronic microcircuits known as Eproms (erasable programmable read-only memories) originating in Japan. As a result of the amendments made to the combined nomenclature by Commission Regulation (EEC) No 2587/91<sup>(3)</sup>, the imports now fall within CN codes 8542 11 42, 8542 11 44, 8542 11 46 and 8542 11 48 for finished Eproms, within CN code ex 8542 11 59 for finished OTPs, within CN code ex 8542 11 01 for wafers for all types of Eproms and within CN code ex 8542 11 05 for dice or chips for all types of Eproms. The Commission, by Decision 91/131/EEC<sup>(4)</sup>, accepted undertakings offered by

certain Japanese producing companies in connection with the anti-dumping proceeding.

## II. Review investigation

- (2) In July 1992, the Commission, in accordance with Article 14 of Regulation (EEC) No 2423/88, initiated<sup>(5)</sup> a partial review of Regulation (EEC) No 577/91 with regard to Eproms produced in Japan by Nippon Steel Semiconductor (NPNX) and exported by Intel Corporation (Intel), imports of which are currently subject to the definitive anti-dumping duty.

Intel initially concluded its subcontracting agreement with NMB Semiconductor Co. Ltd, but this company was renamed NPNX after it was taken over by Nippon Steel Corporation, Tokyo, Japan, in March 1993. The agreement with Intel has not been altered by these changes.

- (3) On the basis of the findings of the partial review, the Commission has accepted an undertaking offered by Intel by Decision 93/538/EEC<sup>(6)</sup>.

## III. Amendment of the reviewed measures

- (4) In view of Commission Decision 93/538/EEC, Regulation (EEC) No 577/91 should be amended in order to exempt Eproms produced in the framework of the agreement between Intel and NPNX and subsequently exported by Intel from the definitive duty.

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

<sup>(2)</sup> OJ No L 65, 12. 3. 1991, p. 1.

<sup>(3)</sup> OJ No L 259, 16. 9. 1991, p. 1.

<sup>(4)</sup> OJ No L 65, 12. 3. 1991, p. 42.

<sup>(5)</sup> OJ No C 181, 17. 7. 1992, p. 7.

<sup>(6)</sup> See page 64 of this Official Journal.

- (5) After the adoption of Regulation (EEC) No 577/91, several Japanese producers from which undertakings had been accepted contacted the Commission and requested that the names of some of their affiliated companies which had not been involved in Eprom exports to the Community when Regulation (EEC) No 577/91 was published should be added to the list in Annex I to that Regulation, since Eproms would be exported to the Community by those companies in the future.
- (6) The Commission considers the request justified and the Council confirms this view. Therefore, the list in the said Annex should be amended.
- (7) Since the present review relates only to the circumstances of certain specific companies, the measures contained in Regulation (EEC) No 577/91 are not being modified or confirmed within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88, and consequently the date on which they are due to expire pursuant to that provision remains unchanged,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EEC) No 577/91 is hereby amended as follows:

1. the first indent of Article 1 (4) shall be replaced by the following:

— they are produced and exported to the Community by the following companies, whose undertakings have been accepted pursuant to Article 1 of Decision 91/131/EEC or to Article 1 of Commission Decision 93/538/EEC (\*):

- Fujitsu Ltd,
- Hitachi Ltd,
- Intel Corporation,
- Mitsubishi Electric Corp,
- NEC Corp,
- Sharp Corp,
- Texas Instruments (Japan) Ltd and
- Toshiba Corporation, or that;

(\*) OJ No L 262, 21. 10. 1993, p. 64.;

2. the third indent of Article 1 (4) shall be replaced by the following:

— they are produced, and sold for export to the Community, by one of the companies listed in the first indent: in this case, exemption from the duty shall be conditional upon presentation to the customs authorities of documentation from the producer confirming that it sold the products for which the exemption is sought for export to the Community; the documentation (the format of which is contained in Annex III) must contain a clear description of the device type(s) sold, the total quantity per device type, the unit price per device type, or a statement that the price was not lower than the applicable reference price, the invoice number and the confirmation that these products were produced and sold for export to the Community by the said company under the undertakings referred to in Article 1 of Decision 91/131/EEC or in Article 1 of Decision 93/538/EEC, or that the following conditions are fulfilled:;

3. Annex I shall be amended as follows:

- (a) the names cited below shall be added to the lists of companies, being companies affiliated respectively to:

- Fujitsu Ltd, Japan:
- Fujitsu Devices Inc, Japan,
- Hitachi Ltd, Japan:
- Hitachi Asia (Malaysia) Sdn Bhd, Malaysia,
- Hitachi Asia Pte Ltd, Singapore, Indonesia, Taiwan,
- Hitachi Asia (Hong Kong) Ltd, Hong Kong, South Korea, China,
- Hitachi Asia (Thailand) Co Ltd, Thailand,
- Sharp Corporation, Japan:
- Sharp Electronic Components (Taiwan) Corporation, Taiwan,
- Sharp Technology (Taiwan) Corporation, Taiwan,
- Sharp Electronics (Taiwan) Co. Ltd, Taiwan.;

- (b) the list of companies affiliated to NEC Corporation shall be replaced by the following:

- NEC Electronics Inc, USA,
- NEC Electronics Singapore Pte Ltd, Singapore,
- NEC Electronics Hong Kong Limited, Hong Kong,
- NEC Australia Pte Ltd, Australia,
- NEC Semiconductors (Malaysia) Sdn Berhad, Malaysia,
- NEC Electronics Taiwan Ltd, Taiwan.;

(c) the names cited below shall be deleted from the lists of companies, being companies affiliated respectively to :

— Hitachi Ltd, Japan :

‘— Hitachi Asia Pte Ltd, Singapore, Malaysia, Indonesia,

— Hitachi Asia (Hong Kong) Ltd, Hong Kong, South Korea, China, Taiwan.’

— Sharp Corporation, Japan :

‘— Sharp Electronics Co Ltd Taiwan.’;

(d) the following list of companies shall be added :

‘Companies affiliated to Intel Corp, USA :

— Intel Corporation (USA, Delaware),

— Intel Electronics, Ltd (Israel),

— Intel Japan KK (Japan),

— Intel Technology Sdn Bhd (Malaysia),

— Intel Philippines (Philippines),

— Intel Philippines Mfg Inc (Philippines),

— Intel Puerto Rico, Inc (USA, California)’;

4. the first table in Annex II shall be replaced by the following :

| ‘Additional codes | Firms/rate                                                                                                                                                                                                               |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8491              | — Fujitsu Ltd,<br>— Hitachi Ltd,<br>— Intel Corporation, USA,<br>— Mitsubishi Electric Corp,<br>— NEC Corp,<br>— Sharp Corp,<br>— Texas Instruments (Japan) Ltd and<br>— Toshiba Corporation<br>No anti-dumping duty (!) |
| 8492              | Other : 94 %                                                                                                                                                                                                             |

(!) Also included here are the affiliated companies mentioned in Annex I and other companies complying with the conditions in the third indent of Article 1 (4) of the Regulation.’

#### Article 2

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

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

Done at Luxembourg, 18 October 1993.

*For the Council*

*The President*

A. BOURGEOIS

## COUNCIL REGULATION (EEC) No 2861/93

of 18 October 1993

imposing a definitive anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China, and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 12 thereof,

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

Whereas :

## A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 920/93<sup>(2)</sup>, hereinafter referred to as the 'provisional Regulation', imposed a provisional anti-dumping duty on imports into the Community of certain magnetic disks (hereinafter referred to as 3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China, and falling within CN code ex 8523 20 90. The duty was extended for a maximum period of two months by Council Regulation (EEC) No 2206/93<sup>(3)</sup>.

## B. SUBSEQUENT PROCEDURE

- (2) Subsequent to the imposition of the provisional anti-dumping duty, the interested parties who so requested were granted an opportunity to be heard by the Commission. Certain of these parties also presented written submissions making known their views on the findings.
- (3) Two importers, which had not cooperated in the investigation, made written representations to the Commission following the introduction of the provisional anti-dumping duty. One of them requested, and was granted, a hearing.
- (4) Upon request, parties were informed in writing of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of provisional duty. They were also granted a reasonable period within which to make representations subsequent to the disclosure.
- (5) The oral and written comments presented by the parties were considered, and, where appropriate, the

Commission's findings were modified to take account of them.

- (6) Because of the volume and complexity of the data examined, the investigation could not be concluded within the time limit provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

## C. PRODUCT UNDER CONSIDERATION/LIKE PRODUCT

- (7) As no new arguments have been presented regarding the product under consideration and the like product, the Council adopts the findings of the Commission as set out in recitals 7 to 12 of the provisional Regulation.

## D. INDIVIDUAL TREATMENT OF CHINESE EXPORTERS

- (8) Several producers in the People's Republic of China reiterated their request that the Commission make individual company findings for each of them, without, however, presenting any evidence additional to that submitted prior to the provisional findings and referred to at recital 13 of the provisional Regulation.

The Commission recalls, in this respect, that individual treatment is not a requirement of Regulation (EEC) No 2423/88. Indeed, the grant of individual treatment to some of these producers may affect or even distort, the outcome of the calculation of the country-wide anti-dumping duty. In addition, it is, in practice, extremely difficult to establish, in the case of a country such as the People's Republic of China, whether a company really enjoys, both legally and in fact, independence from the State and, in particular, whether a company has permanent independence where it appears to enjoy independence at a certain point in time.

Finally, since the grant of individual treatment may cause inappropriate levels of duty to be imposed and gives rise to an opportunity for the State to circumvent anti-dumping measures by channelling through the exporter with the lowest duty, the Commission has come to the conclusion that departures from the general rule whereby a single anti-dumping duty is established for State-trading countries should be made only where it is completely satisfied that the effectiveness of the measures is not undermined.

In the provisional Regulation, the facts established for Hanny Magnetics (Zuhai) Ltd during the Commission's investigation demonstrated that this company is free of government intrusion in the

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

<sup>(2)</sup> OJ No L 95, 21. 4. 1993, p. 5.

<sup>(3)</sup> OJ No L 196, 5. 8. 1993, p. 47.

execution of its business operations, and individual treatment was granted. In the light of the principle of legitimate expectations and legal certainty, the Commission considers that the individual treatment granted to this company should be maintained. Furthermore, given the small difference found in the dumping margin for this producer and that applicable to the other producers, the risk of circumvention is minimal.

The findings at the said recital 13 are thus maintained.

- (9) The Council confirms the Commission's findings.

## E. DUMPING

### 1. Normal value

- (10) For the purpose of the definitive findings, normal value was, in general, established on the basis of the same methods as those used in the provisional determination of dumping, after taking into consideration new facts and arguments presented by the parties.
- (11) Following publication of the provisional Regulation, one Taiwanese producer claimed that the normal value established should have been based on the prices of all sales of the like product on the domestic market, including sales made at a loss.

As stated in recital 18 of the provisional Regulation, normal value in Taiwan for this producer was established in accordance with Article 2 (3) (a) and (4) of Regulation (EEC) No 2423/88, on the basis of the price actually paid in the ordinary course of trade for domestic sales of the like product, which were made in sufficient quantities to permit a proper comparison.

However, it was found that the majority of its domestic sales of one product type were made at a substantial loss. The Commission had, therefore, to exclude from the determination of normal value the sales of this product type, the prices of which did not permit recovery, in the normal course of trade in the investigation period, of all costs reasonably allocated.

As regards the other product type, the producer in question was able to show that its prices for sales of this product were sufficiently profitable as to be considered in the ordinary course of trade over the investigation period. Accordingly, normal value for this type was established by reference to these prices.

- (12) The Chinese producer referred to in recital 21 of the provisional Regulation argued that the normal value established on the basis of an analogous third

market economy, i.e. Taiwan, should be adjusted to reflect the lower manufacturing cost structure in China.

The Commission cannot accept this argument. To make allowances for alleged differences in cost structures in a State-trading country would involve the need to rely on that country's costs of production, in particular its labour, utility and transport costs, property changes, and other inputs, which are not determined by market forces and would, therefore, not permit a proper comparison.

- (13) The Council confirms these findings and those set out at recitals 15 to 23 of the provisional Regulation concerning normal value.

### 2. Export price

- (14) One Taiwanese producer claimed that, in its calculation of export prices, the Commission, for reasons of equity, should have excluded export sales made to complainant Community producers.

The Commission could not, however, accept any such exclusion, as the sales in question satisfied the provisions of Article 2 (8) (a) of Regulation (EEC) No 2423/88 regarding the determination of export prices. Indeed, not only is such an exclusion not provided for by Regulation (EEC) No 2423/88, but the reliability of these prices is unaffected, in the present case, by the status of the customer involved.

The related problem of self-inflicted injury is addressed in recital 28 below.

- (15) The Council confirms this view and the findings on export prices set out in recital 24 to 28 of the provisional Regulation.

### 3. Comparison

- (16) The Chinese producer referred to in recital 31 of the provisional Regulation claimed that the adjustment to normal value made for differences in physical characteristics of the uncertified diskettes sold for export did not reflect the full value of these differences.

The Commission has examined this question. It has noted that the purchaser incurs a certain risk from the purchase of uncertified diskettes, and, consequently, an adjustment should be made to reflect the differences in physical characteristics. However, this producer was unable to provide new evidence substantiating the additional claim. In these circumstances, the Commission considers that the adjustment provisionally made fully reflected the differences in physical characteristics established. Consequently, the claim for an additional adjustment was rejected.

- (17) Several other Chinese producers and one Taiwanese producer claimed that, in the comparison of normal value on the Taiwanese market with export price, no adjustment had been made to reflect the differences in direct selling expenses for sales to OEM customers on the export market and for sales to non-OEM customers on the domestic market. In its examination of the situation of the Taiwanese producer which made domestic sales in sufficient quantities to permit a proper comparison, the Commission found no indication that there was any difference in selling expenses incurred and profit realized in different channels of sale. No adjustment in this respect, therefore, could be made.

#### 4. Dumping margins

- (18) On the basis of the modifications made to the calculations of normal value and export price, the definitive dumping margins calculated by the Commission, expressed as a percentage of the cif value, established in accordance with the provisions of Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes<sup>(1)</sup>, for each of the companies concerned, are as follows:

##### Japan

|                         |        |
|-------------------------|--------|
| Memorex Telex Japan Ltd | 49,0 % |
| Hitachi Maxell Ltd      | 32,8 % |
| TDK Ltd                 | 44,8 % |
| Sony Ltd                | 60,1 % |

##### Taiwan

|                    |        |
|--------------------|--------|
| CIS Technology Ltd | 19,8 % |
| Megamedia Ltd      | 32,7 % |

##### China

|                             |         |
|-----------------------------|---------|
| Hanny Magnetics (Zuhai) Ltd | 35,6 %  |
| Other companies             | 39,4 %. |

- (19) As far as non-cooperating producers are concerned, no comments on the conclusions reached by the Commission in recital 37 of the provisional Regulation were received. In these circumstances, the Council confirms these findings, and the dumping margin for non-cooperating producers is set at the level of the respective highest dumping margins.

#### F. COMMUNITY INDUSTRY

- (20) Producers in Japan and the People's Republic of China challenged the Commission's finding in recitals 39 to 47 of the provisional Regulation that the five complainant producers represented a major proportion of Community production of 3,5" microdisks, and could therefore be considered the Community industry in terms of Article 4 (5) of Regulation (EEC) No 2423/88. They argued, in

particular, that the output of the producers in the Community found to be related to the producers in the countries subject to the proceeding should have been included in total Community production, when calculating whether the output of the five complainant producers constituted a major proportion of total Community production of the product in question.

In this context, the Commission recalls that it is the consistent practice of the Community institutions that total Community production can only be considered as meaning the output of those Community producers which are not excluded for the reasons given in the first indent of the said Article 4 (5). The output of producers which are excluded from the definition of Community industry because of their relationship to exporters should, therefore, be excluded, *a fortiori*, from total Community production, when determining whether the Community industry represents a major proportion of such production.

The rationale of Article 4 (5) of Regulation (EEC) No 2423/88 is indeed that, for the determination of injury, it should not be open to producers found to be related to exporters to seek relief from unfair trading practices, since they may, through this relationship, have participated in, or benefited from, injurious dumping. It is only by excluding such producers, where appropriate, that the Community institutions can obtain an undistorted and objective view of the effects of the dumped imports. Were this not the case, then, in addition to contributing to the injury, producers related to exporters of otherwise benefiting from dumping would be in a position to hinder complainant Community producers in their attempts, or even block such attempts, to seek legitimate relief against the injury caused by dumped imports.

The Commission, therefore, maintains its findings at recitals 39 to 47, of the provisional Regulation, that producers in the Community related to producers in Japan should be excluded from the Community industry and that, on this basis, production of 3,5" microdisks by the complainant producers represented around 77 % of total Community production during the investigation period.

- (21) The Council confirms these findings.

#### G. INJURY

##### 1. Cumulation of the effects of the dumped imports

- (22) Some Japanese producers contested the Commission's findings on cumulation at recitals 50 to 52 of the provisional Regulation. However, no new arguments or facts were presented. The Council confirms the aforementioned Commission findings.

<sup>(1)</sup> OJ No L 134, 31. 5. 1980, p. 1.

## 2. Prices of dumped imports

- (23) One Japanese producer and producers in the People's Republic of China queried the basis for the Commission's statement at recital 56 of the provisional Regulation that the prices of imported 3,5" microdisks had, in many cases, decreased by more than 75 % between 1988 and the investigation period.

The Commission has reviewed the information available to it in respect of export price trends since 1988. Prices declined substantially, varying by company and by product type, by between 23 and 79 %.

Furthermore, by comparing the prices realized at the beginning and the end of the investigation period, price declines of 13 % on average for unbranded 3,5" microdisks and 31 % for branded 3,5" microdisks were found over this 12-month period.

- (24) One Japanese producer claimed that in establishing price undercutting, the Commission should have taken account of the fact that its sales to an exclusive distributor on the French market by its German subsidiary were made at a different level of trade to that of the relevant Community industry sales.

Following the claim from the Japanese producer concerned, the Commission has reviewed the undercutting calculations for this producer.

This producer provided no evidence, however, to substantiate that the tasks or activities of the distributor in France were any different from other distributors in the Community. In these circumstances, the Commission has, for this producer, established prices to distributors and compared these with prices for sales to distributors by the Community industry. In addition, prices to other categories of customer were also compared at the same level.

The result of the revised comparison of prices reveal an undercutting margin still within the range mentioned in recital 55 of the provisional Regulation.

- (25) The Council confirms these findings, and those in recital 55 of the provisional Regulation.

## 3. Situation of the Community industry

- (26) As no new arguments or information were put forward, the Council confirms the Commission's findings as set out in recitals 56 to 61 of the provisional Regulation on the situation of the Commu-

nity industry, and those related to injury at recital 62.

## H. CAUSATION

- (27) Two Japanese producers, on the grounds that the market share taken by imports from Japan had fallen considerably over the period concerned, disputed the Commission's conclusion contained in recital 66 of the provisional Regulation, that the effects of imports from third countries not covered by the proceeding did not alter the fact that the dumped imports concerned from Japan, Taiwan and the People's Republic of China, taken in isolation, caused material injury to the Community industry. These producers, therefore, requested that the effect of imports from Japan should not be examined cumulatively with those from the other countries concerned.

The Commission recalls that it has been the consistent practice of the Community institutions, upheld by the European Court of Justice, to examine the effect of the dumped imports as a whole, except where the level of dumped imports from a given country is negligible or otherwise does not contribute to injury.

The Commission, in recital 54 of the provisional Regulation, acknowledge that imports into the Community of 3,5" microdisks from Japan fell between 1988 and the investigation period.

However, at 22 %, their market share remained substantial, and was almost double that of the Community industry.

Furthermore, the dumped imports from the three countries concerned, viewed cumulatively, attained a market share of 33,8 % in the investigation period. This, together with the substantial price depression arising from the price undercutting by these dumped imports, could not fail to have had a marked negative effect on the situation of the Community industry, which had only recently been established.

The Commission, therefore, maintains the findings at the said recital 66.

- (28) Two Japanese producers questioned the Commission's recognition of under-utilization of capacity as an indicator of material injury at recital 57 of the provisional Regulation, while, at the same time, complainant Community producers were importing sometimes substantial quantities of the product concerned from the countries covered by the proceeding. Hence, the Community industry was inflicting injury upon itself.

As pointed out in recital 43 of the provisional Regulation, imports of 3,5" microdisks by all but one of the Community producers represented only a small proportion of their sales in the investigation period. Therefore, the arguments presented by the Japanese are not supported by the facts.

It should be noted that the complainant producer which had a substantial level of imports also had a high capacity utilization rate. No contradiction thus exists between the Commission's recognition of general capacity under-utilization and imports of 3,5" microdisks. The imports were a consequence of the fact that, due to the effects of low-priced imports from the countries concerned, the producer in question had been unable to generate the investment funds needed to develop a production capacity sufficient to meet demand in the Community. At the time, this producer had no other reasonable choice but to act in self-defence, and did not therefore inflict injury on itself.

- (29) The Council confirms the Commission's findings regarding causality and the injury attributable to other factors, and those contained in recitals 64 to 74 of the provisional Regulation.

#### I. COMMUNITY INTEREST

- (30) Two Japanese producers argued that the imposition of duties at a time of shortage of supply on the Community market, with the Community industry unable to meet demand, would serve only to raise costs and prices, to the detriment of duplicators and consumers.

In recital 78 of the provisional Regulation, the Commission recognized that production by the Community industry is currently insufficient to meet the surge in demand that recently occurred in the Community market. Nevertheless, the Community industry, in an appropriate response to this development, has, since the end of the investigation period, acted to increase production capacity, and, given the respite afforded by anti-dumping duties from the pricing pressures caused by unfairly traded imports, can be expected to continue to invest in this sector. Moreover, new Community producers, in a further response to the market, have set up production facilities in the Community. The Commission considers it essential that the complainant Community industry and these new independent Community producers be given the opportunity to attain, in conditions of fair trade undistorted by dumping, the levels of profitability needed for economic viability. The Commission

therefore maintains its findings on Community interest as set out in recitals 75 to 80 of the provisional Regulation.

- (31) One importer argued that the imposition of a definitive anti-dumping duty would only increase costs to users without, in any way, helping the Community industry, as producers and exporters in countries not subject to the duty would take advantage of the higher prices engendered to increase market shares at prices below those needed by the Community industry.

The Commission notes, however, that the purpose of the present proceeding is to address problems arising from the dumped imports from the countries concerned. It is not the purpose of anti-dumping measures to protect the Community industry from the normal operation of fair competition, in conditions of which there should be unhindered market access.

- (32) As no other arguments were presented, the Council confirms these conclusions and those set out in recitals 75 to 85 of the provisional Regulation.

#### J. DUTY

- (33) In the provisional determination, the Commission established the amount of duty necessary to remove the injury on the basis of full costs of production plus a 10 % return on sales. The complainant argued that the use of a profit margin of 10 % is insufficient to meet the needs of the Community industry for investments to increase production capacity, marketing expenditure, and research and development of new products, and that the Commission should use a profit margin between 12 and 16 % of turnover to calculate the increase in prices necessary to remove the injury.

- (34) The Commission maintains its argument that, in respect of the relevant costs in the period covered by the investigation, it would have been unrealistic to export profit margins for the Community industry above the 10 % considered to be the minimum required to ensure the viability of that industry.

- (35) One Japanese producer argued that, because of its calculation of the duty required to remove injury, the Commission had attributed to the producers in the countries concerned not only that part of any injury suffered by the Community industry caused by imports from these countries, but also the injury caused by other factors, notably by imports from countries not subject to the proceeding.

The Commission rejects this contention.

In its overall assessment of the situation, the Commission examined all potential causes of injury, to ensure that factors other than imports from Japan, Taiwan and the People's Republic of China were not in fact responsible for the injury suffered by the Community industry. This examination covered, as pointed out in recital 66 of the provisional Regulation, imports from third countries not included in the proceeding, and it was found that, even if some of the injury could have been attributed to these imports, this did not alter the fact that the injury caused by the dumped imports from the countries subject to the proceeding was, taken in isolation, material.

Furthermore, in line with consistent Community practice, the Commission has acted to remove the injury established by imposing duties only up to the limit of the dumping margins or the margins of underselling individually determined for producers found to be dumping. It is clear, therefore, that by adopting this approach, the Commission does not remove more injury than that caused by each exporter by its dumped imports, and does not, therefore, attribute to the dumped imports any element of injury that may have been caused by other factors.

- (36) The difference between the prices for the Community industry, established in accordance with the method outlined in recital 81 of the provisional Regulation, and the prices of the dumped imports used to establish undercutting, as outlined in recital 55 of the provisional Regulation, as adapted by recital 27 of this Regulation, expressed on a weighted average basis and as a percentage of the free-at-Community-frontier price, established in accordance with Regulation (EEC) No 1224/80, were above the dumping margins found for all the producers in Taiwan and the People's Republic of China, and ranged from 6,1 to 40,9 % for producers in Japan.

As far as non-cooperating producers are concerned, the Commission considers that the result of its investigation forms the most appropriate basis for the establishment of the level of duty, and thus concludes that the highest level of duty determined for a producer in the same country shall be applied to the non-cooperating producers.

- (37) The Council confirms the above findings of the Commission and the determination of the duty to be applied, as described in recitals 81 to 85 of the provisional Regulation.

#### K. UNDERTAKINGS

- (38) Several producers have made undertaking proposals, and have been informed that the Commission is unable to accept undertakings in this case. In effect, the Commission considers that the degree of

non-cooperation in the proceeding, the rapidity of technological change in the product, and the volatility of prices, would render the observance of undertakings exceedingly difficult to monitor. In addition, the high level of mobility of the production facilities in the industry would be unlikely to contribute to the restoration of fair competitive conditions in the market.

- (39) Given the above, the Council concludes that measures should be imposed in the form of definitive anti-dumping duties.

#### L. COLLECTION OF THE PROVISIONAL DUTIES

- (40) In view of the dumping margins established, the injury caused to the Community industry and of the latter's precarious financial situation, the Council considers it necessary that the amounts secured by way of the provisional anti-dumping duty for all companies should be collected definitively. Where the provisional duty exceeds the duty rate definitively imposed, the amount collected should not exceed that of the definitive anti-dumping duty,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of 3,5" microdisks used to record and store encoded digital computer information falling within CN code ex 8523 20 90 (Taric code 8523 20 90\* 10), and originating in Japan, Taiwan and the People's Republic of China.

2. The rate of duty applicable to the net free-at-Community-frontier price, not cleared through customs, shall be as follows:

- (a) 40,9 % in respect of the products specified in paragraph 1 originating in Japan (Taric additional code: 8708), with the exception of imports which are manufactured and sold for export to the Community by the following companies, which shall be subject to the rates of duty mentioned hereunder:

|                                 |        |
|---------------------------------|--------|
| — Memorex Telex Japan Ltd :     | 6,1 %  |
| (Taric additional code : 8705), |        |
| — Hitachi-Maxell :              | 20,6 % |
| (Taric additional code : 8706), |        |
| — TDK :                         | 26,7 % |
| (Taric additional code : 8707); |        |

- (b) 32,7 % in respect of the products specified in paragraph 1 originating in Taiwan (Taric additional code: 8710), with the exception of imports which are manufactured and sold for export to the Community by the following company, which shall be subject to the rate of duty mentioned hereunder:

|                                 |        |
|---------------------------------|--------|
| — CIS Technology :              | 19,8 % |
| (Taric additional code : 8709); |        |

(c) 39,4 % in respect of the products specified in paragraph 1 originating in the People's Republic of China (Taric additional code : 8712), with the exception of imports which are manufactured and sold for export by the following company, which shall be subject to the rate of duty mentioned hereunder :

— Hanny : Magnetics : 35,6 %  
(Taric additional code : 8711).

3. The provisions in force concerning customs duties shall apply to the said duty.

#### *Article 2*

1. The amounts secured by way of the provisional anti-dumping duty under Regulation (EEC) No 920/93 in

respect of 3,5" microdisks shall be definitively collected. Where the provisional duty exceeds the duty rate definitively imposed, the amount collected should not exceed that of the definitive duty.

2. Amounts secured in excess of the definitive rate of duty shall be released.

#### *Article 3*

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

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

Done at Luxembourg, 18 October 1993.

*For the Council*

*The President*

A. BOURGEOIS

**COUNCIL REGULATION (EEC) No 2862/93****of 18 October 1993****amending Regulation (EEC) No 3915/92 opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, for newsprint, the Community has reached an agreement which provides in particular for the opening of a Community tariff quota of 650 000 tonnes, of which 600 000 tonnes are reserved, until 30 November of each year, exclusively for products from Canada, in accordance with Article XIII of the General Agreement on Tariffs and Trade; whereas this agreement provides equally for the obligation to increase, by 5 %, that part of the quota reserved for imports from Canada, in the event that that part is used up before the end of a given period of one year; whereas the quota of 650 000 tonnes was opened for 1993 by Regulation (EEC) No 3915/92<sup>(1)</sup>;

Whereas the economic data at present available give rise to the belief that the requirements for importing news-

print from Canada could reach a level higher than the said volume of 600 000 tonnes; whereas the volume of that part of quota reserved for these imports should be increased, therefore, by 30 000 tonnes,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the table which appears in Article 1 (1) of Regulation (EEC) No 3915/92, the quota volume of 600 000 tonnes opposite order No 09.0015 shall be replaced by that of 630 000 tonnes.

*Article 2*

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

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

Done at Luxembourg, 18 October 1993.

*For the Council*

*The President*

A. BOURGEOIS

<sup>(1)</sup> OJ No L 395, 31. 12. 1992, p. 15.

**COMMISSION REGULATION (EEC) No 2863/93****of 19 October 1993****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods <sup>(1)</sup>, as last amended by Regulation (EEC) No 3334/90 <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communicated to the Commission in accordance with Article 1 (2)

of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 October 1993.

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

Done at Brussels, 19 October 1993.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 154, 13. 6. 1981, p. 26.

<sup>(2)</sup> OJ No L 321, 21. 11. 1990, p. 6.

## ANNEX

| Code    | CN code                          | Description                                                                      | Amount of unit values per 100 kg net |           |          |          |          |         |        |           |          |        |
|---------|----------------------------------|----------------------------------------------------------------------------------|--------------------------------------|-----------|----------|----------|----------|---------|--------|-----------|----------|--------|
|         |                                  |                                                                                  | ECU                                  | Bfrs/Lfrs | Dkr      | DM       | FF       | Dr      | £ Irl  | Lit       | Fl       | £      |
| 1.10    | 0701 90 51]<br>0701 90 59]       | New potatoes                                                                     | 3,75                                 | 155       | 29,00    | 7,17     | 25,02    | 1 033   | 3,06   | 6 980     | 8,05     | 2,93   |
| 1.20    | 0702 00 10]<br>0702 00 90]       | Tomatoes                                                                         | 63,77                                | 2 665     | 491,79   | 120,95   | 428,79   | 17 680  | 51,54  | 119 170   | 136,04   | 49,55  |
| 1.30    | 0703 10 19                       | Onions (other than seed)                                                         | 23,43                                | 979       | 180,74   | 44,45    | 157,59   | 6 498   | 18,94  | 43 798    | 49,99    | 18,21  |
| 1.40    | 0703 20 00                       | Garlic                                                                           | 89,76                                | 3 752     | 692,22   | 170,24   | 603,54   | 24 886  | 72,54  | 167 738   | 191,49   | 69,75  |
| 1.50    | ex 0703 90 00                    | Leeks                                                                            | 27,80                                | 1 117     | 209,04   | 54,33    | 183,17   | 7 384   | 22,31  | 50 899    | 61,05    | 21,85  |
| 1.60    | ex 0704 10 10]<br>ex 0704 10 90] | Cauliflowers                                                                     | 57,81                                | 2 331     | 438,81   | 113,34   | 385,48   | 15 133  | 43,14  | 104 614   | 127,38   | 45,06  |
| 1.70    | 0704 20 00                       | Brussels sprouts                                                                 | 53,72                                | 2 267     | 423,88   | 110,06   | 374,08   | 11 735  | 41,29  | 82 719    | 124,09   | 37,72  |
| 1.80    | 0704 90 10                       | White cabbages and red cabbages                                                  | 31,38                                | 1 265     | 239,40   | 61,47    | 210,09   | 8 126   | 23,42  | 54 525    | 69,15    | 25,05  |
| 1.90    | ex 0704 90 90                    | Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> var. <i>italica</i> ) | 123,37                               | 4 943     | 921,62   | 240,50   | 812,12   | 32 641  | 98,56  | 221 730   | 269,86   | 96,64  |
| 1.100   | ex 0704 90 90                    | Chinese cabbage                                                                  | 20,94                                | 839       | 156,44   | 40,82    | 137,86   | 5 541   | 16,73  | 37 639    | 45,80    | 16,40  |
| 1.110   | 0705 11 10]<br>0705 11 90]       | Cabbage lettuce (head lettuce)                                                   | 67,35                                | 2 706     | 506,31   | 131,61   | 443,65   | 17 886  | 54,03  | 123 279   | 147,87   | 52,93  |
| 1.120   | ex 0705 29 00                    | Endives                                                                          | 21,82                                | 877       | 162,70   | 42,58    | 143,89   | 5 690   | 17,51  | 39 262    | 47,92    | 17,72  |
| 1.130   | ex 0706 10 00                    | Carrots                                                                          | 32,58                                | 1 311     | 245,82   | 63,64    | 216,50   | 8 694   | 26,26  | 58 568    | 71,55    | 24,98  |
| 1.140   | ex 0706 90 90                    | Radishes                                                                         | 67,01                                | 2 692     | 503,74   | 130,94   | 441,40   | 17 795  | 53,76  | 122 654   | 147,12   | 52,67  |
| 1.150   | 0707 00 11]<br>0707 00 19]       | Cucumbers                                                                        | 44,13                                | 1 844     | 340,34   | 83,70    | 296,74   | 12 235  | 35,67  | 82 472    | 94,14    | 34,29  |
| 1.160   | 0708 10 10]<br>0708 10 90]       | Peas ( <i>Pisum sativum</i> )                                                    | 202,31                               | 8 456     | 1 560,03 | 383,68   | 1 360,19 | 56 085  | 163,50 | 378 027   | 431,55   | 157,21 |
| 1.170   |                                  | Beans :                                                                          |                                      |           |          |          |          |         |        |           |          |        |
| 1.170.1 | 0708 20 10]<br>0708 20 90]       | Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.)                                | 163,49                               | 6 833     | 1 260,70 | 310,06   | 1 099,20 | 45 324  | 132,13 | 305 493   | 348,74   | 127,04 |
| 1.170.2 | 0708 20 10]<br>0708 20 90]       | Beans ( <i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i> )     | 128,09                               | 5 354     | 987,77   | 242,93   | 861,24   | 35 512  | 103,52 | 239 357   | 273,24   | 99,54  |
| 1.180   | ex 0708 90 00                    | Broad beans                                                                      | 92,83                                | 3 894     | 734,40   | 189,09   | 645,42   | 21 793  | 71,04  | 142 837   | 212,96   | 66,61  |
| 1.190   | 0709 10 00                       | Globe artichokes                                                                 | 136,32                               | 5 478     | 1 024,80 | 266,38   | 897,97   | 36 202  | 109,37 | 249 524   | 299,31   | 107,15 |
| 1.200   |                                  | Asparagus :                                                                      |                                      |           |          |          |          |         |        |           |          |        |
| 1.200.1 | ex 0709 20 00                    | — green                                                                          | 580,23                               | 24 253    | 4 474,21 | 1 100,41 | 3 901,06 | 160 854 | 468,92 | 1 084 189 | 1 237,70 | 450,88 |
| 1.200.2 | ex 0709 20 00                    | — other                                                                          | 246,56                               | 10 306    | 1 901,29 | 467,61   | 1 657,74 | 68 354  | 199,26 | 460 721   | 525,95   | 191,60 |
| 1.210   | 0709 30 00                       | Aubergines (egg-plants)                                                          | 97,14                                | 3 929     | 762,10   | 187,25   | 651,33   | 26 285  | 79,19  | 176 802   | 210,62   | 73,80  |
| 1.220   | ex 0709 40 00                    | Ribbed celery ( <i>Apium graveolens</i> var. <i>dulce</i> )                      | 91,65                                | 3 691     | 689,40   | 179,61   | 604,84   | 24 461  | 73,57  | 162 068   | 201,40   | 71,34  |
| 1.230   | 0709 51 30                       | Chantarelles                                                                     | 597,24                               | 24 693    | 4 608,56 | 1 140,32 | 3 976,20 | 164 183 | 486,99 | 1 109 159 | 1 280,76 | 465,59 |
| 1.240   | 0709 60 10                       | Sweet peppers                                                                    | 78,62                                | 3 286     | 606,26   | 149,10   | 528,60   | 21 796  | 63,54  | 146 910   | 167,71   | 61,09  |
| 1.250   | 0709 90 50                       | Fennel                                                                           | 73,55                                | 2 966     | 558,22   | 144,18   | 490,38   | 19 251  | 54,88  | 133 083   | 162,05   | 57,33  |
| 1.260   | 0709 90 70                       | Courgettes                                                                       | 49,65                                | 1 995     | 373,28   | 97,03    | 327,09   | 13 186  | 39,83  | 90 889    | 109,02   | 39,02  |
| 1.270   | ex 0714 20 10                    | Sweet potatoes, whole, fresh (intended for human consumption)                    | 56,41                                | 2 358     | 435,03   | 106,99   | 379,31   | 15 640  | 45,59  | 105 418   | 120,34   | 43,84  |
| 2.10    | ex 0802 40 00                    | Chestnuts ( <i>Castanea</i> spp.), fresh                                         | 83,78                                | 3 378     | 639,04   | 164,08   | 560,82   | 21 691  | 62,54  | 145 547   | 184,60   | 66,87  |
| 2.20    | ex 0803 00 10                    | Bananas (other than plantains), fresh                                            | 49,69                                | 2 077     | 383,19   | 94,24    | 334,11   | 13 776  | 40,16  | 92 856    | 106,00   | 38,61  |
| 2.30    | ex 0804 30 00                    | Pineapples, fresh                                                                | 44,47                                | 1 858     | 342,92   | 84,34    | 298,99   | 12 328  | 35,94  | 83 096    | 94,86    | 34,55  |
| 2.40    | ex 0804 40 10]<br>ex 0804 40 90] | Avocados, fresh                                                                  | 133,99                               | 5 600     | 1 033,23 | 254,11   | 900,87   | 37 146  | 108,28 | 250 372   | 285,82   | 104,12 |

| Code    | CN code                                              | Description                                                                                                                  | Amount of unit values per 100 kg net |           |          |        |          |        |        |         |        |        |
|---------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------|----------|--------|----------|--------|--------|---------|--------|--------|
|         |                                                      |                                                                                                                              | ECU                                  | Bfrs/Lfrs | Dkr      | DM     | FF       | Dr     | £ Irl  | Lit     | Fl     | £      |
| 2.50    | ex 0804 50 00                                        | Guavas and mangoes, fresh                                                                                                    | 122,45                               | 5 118     | 944,25   | 232,23 | 823,29   | 33 947 | 98,96  | 228 812 | 261,21 | 95,15  |
| 2.60    |                                                      | Sweet oranges, fresh :                                                                                                       |                                      |           |          |        |          |        |        |         |        |        |
| 2.60.1  | 0805 10 11<br>0805 10 21<br>0805 10 31<br>0805 10 41 | — Sanguines and semi-sanguines                                                                                               | 29,84                                | 1 207     | 234,16   | 57,53  | 200,13   | 8 076  | 24,33  | 54 325  | 64,72  | 22,67  |
| 2.60.2  | 0805 10 15<br>0805 10 25<br>0805 10 35<br>0805 10 45 | — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins         | 51,55                                | 2 155     | 397,58   | 97,78  | 346,65   | 14 293 | 41,66  | 96 342  | 109,98 | 40,06  |
| 2.60.3  | 0805 10 19<br>0805 10 29<br>0805 10 39<br>0805 10 49 | — Others                                                                                                                     | 32,20                                | 1 346     | 248,34   | 61,07  | 216,53   | 8 928  | 26,02  | 60 178  | 68,70  | 25,02  |
| 2.70    |                                                      | Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :             |                                      |           |          |        |          |        |        |         |        |        |
| 2.70.1  | ex 0805 20 10                                        | — Clementines                                                                                                                | 91,88                                | 3 840     | 708,49   | 174,25 | 617,73   | 25 471 | 74,25  | 171 682 | 195,99 | 71,39  |
| 2.70.2  | ex 0805 20 30                                        | — Monreales and Satsumas                                                                                                     | 43,96                                | 1 837     | 339,04   | 83,38  | 295,61   | 12 189 | 35,53  | 82 156  | 93,79  | 34,16  |
| 2.70.3  | ex 0805 20 50                                        | — Mandarins and wilkings                                                                                                     | 44,61                                | 1 864     | 344,03   | 84,61  | 299,96   | 12 368 | 36,05  | 83 367  | 95,17  | 34,66  |
| 2.70.4  | ex 0805 20 70<br>ex 0805 20 90                       | — Tangerines and others                                                                                                      | 61,81                                | 2 583     | 476,66   | 117,23 | 415,60   | 17 136 | 49,95  | 115 505 | 131,86 | 48,03  |
| 2.80    | ex 0805 30 10                                        | Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> ), fresh                                                                | 58,69                                | 2 453     | 452,61   | 111,31 | 394,63   | 16 272 | 47,43  | 109 678 | 125,20 | 45,61  |
| 2.85    | ex 0805 30 90                                        | Limes ( <i>Citrus aurantifolia</i> ), fresh                                                                                  | 151,12                               | 6 316     | 1 165,32 | 286,60 | 1 016,04 | 41 895 | 122,13 | 282 380 | 322,36 | 117,43 |
| 2.90    |                                                      | Grapefruit, fresh :                                                                                                          |                                      |           |          |        |          |        |        |         |        |        |
| 2.90.1  | ex 0805 40 00                                        | — white                                                                                                                      | 33,50                                | 1 400     | 258,37   | 63,54  | 225,27   | 9 289  | 27,07  | 62 610  | 71,47  | 26,03  |
| 2.90.2  | ex 0805 40 00                                        | — pink                                                                                                                       | 77,53                                | 3 241     | 597,91   | 147,05 | 521,31   | 21 495 | 62,66  | 144 885 | 165,40 | 60,25  |
| 2.100   | 0806 10 11<br>0806 10 15<br>0806 10 19               | Table grapes                                                                                                                 | 99,17                                | 4 145     | 764,71   | 188,07 | 666,75   | 27 492 | 80,14  | 185 304 | 211,54 | 77,06  |
| 2.110   | 0807 10 10                                           | Water-melons                                                                                                                 | 3,86                                 | 161       | 29,78    | 7,32   | 25,97    | 1 070  | 3,12   | 7 218   | 8,24   | 3,00   |
| 2.120   |                                                      | Melons (other than water-melons) :                                                                                           |                                      |           |          |        |          |        |        |         |        |        |
| 2.120.1 | ex 0807 10 90                                        | — Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro | 48,24                                | 2 016     | 372,04   | 91,50  | 324,38   | 13 375 | 38,99  | 90 152  | 102,91 | 37,49  |
| 2.120.2 | ex 0807 10 90                                        | — other                                                                                                                      | 124,37                               | 5 198     | 959,05   | 235,87 | 836,19   | 34 479 | 100,51 | 232 397 | 265,30 | 96,64  |
| 2.130   | 0808 10 91<br>0808 10 93<br>0808 10 99               | Apples                                                                                                                       | 33,07                                | 1 382     | 255,05   | 62,73  | 222,38   | 9 169  | 26,73  | 61 805  | 70,55  | 25,70  |
| 2.140   |                                                      | Pears                                                                                                                        |                                      |           |          |        |          |        |        |         |        |        |
| 2.140.1 | 0808 20 31<br>0808 20 33<br>0808 20 35<br>0808 20 39 | Pears — Nashi ( <i>Pyrus pyrifolia</i> )                                                                                     | 69,93                                | 2 891     | 539,67   | 133,53 | 465,62   | 19 226 | 57,02  | 129 884 | 149,97 | 54,52  |
| 2.140.2 | 0808 20 31<br>0808 20 33<br>0808 20 35<br>0808 20 39 | Other                                                                                                                        | 37,45                                | 1 543     | 294,74   | 71,40  | 251,20   | 10 115 | 30,82  | 69 271  | 80,22  | 28,87  |
| 2.150   | 0809 10 00                                           | Apricots                                                                                                                     | 247,86                               | 9 982     | 1 864,34 | 485,74 | 1 635,68 | 66 149 | 198,97 | 438 280 | 544,67 | 192,93 |
| 2.160   | 0809 20 10<br>0809 20 90                             | Cherries                                                                                                                     | 102,26                               | 4 136     | 802,32   | 197,13 | 685,71   | 27 672 | 83,37  | 186 134 | 221,74 | 77,70  |
| 2.170   | ex 0809 30 00                                        | Peaches                                                                                                                      | 179,39                               | 7 498     | 1 383,30 | 340,21 | 1 206,10 | 49 731 | 144,97 | 335 201 | 382,66 | 139,39 |

| Code  | CN code                  | Description                                      | Amount of unit values per 100 kg net |           |          |          |          |         |        |           |          |        |
|-------|--------------------------|--------------------------------------------------|--------------------------------------|-----------|----------|----------|----------|---------|--------|-----------|----------|--------|
|       |                          |                                                  | ECU                                  | Bfrs/Lfrs | Dkr      | DM       | FF       | Dr      | £ Irl  | Lit       | Fl       | £      |
| 2.180 | ex 0809 30 00            | Nectarines                                       | 77,86                                | 3 209     | 612,64   | 148,42   | 522,15   | 21 024  | 64,08  | 143 986   | 166,75   | 60,02  |
| 2.190 | 0809 40 11<br>0809 40 19 | Plums                                            | 94,28                                | 3 940     | 727,03   | 178,81   | 633,90   | 26 138  | 76,19  | 176 174   | 201,12   | 73,26  |
| 2.200 | 0810 10 10<br>0810 10 90 | Strawberries                                     | 251,63                               | 10 291    | 1 965,76 | 481,46   | 1 680,79 | 69 242  | 207,05 | 465 681   | 540,75   | 195,23 |
| 2.205 | 0810 20 10               | Raspberries                                      | 1 048,0                              | 42 174    | 7 906,65 | 2 047,19 | 6 963,49 | 279 647 | 844,87 | 1 883 741 | 2 301,55 | 803,54 |
| 2.210 | 0810 40 30               | Fruit of the species <i>Vaccinium myrtillus</i>  | 102,94                               | 4 142     | 776,64   | 201,08   | 684,00   | 27 469  | 82,98  | 185 034   | 226,07   | 78,92  |
| 2.220 | 0810 90 10               | Kiwi fruit ( <i>Actinidia chinensis</i> Planch.) | 130,52                               | 5 456     | 1 006,52 | 247,55   | 877,58   | 36 186  | 105,49 | 243 900   | 278,43   | 101,43 |
| 2.230 | ex 0810 90 80            | Pomegranates                                     | 95,52                                | 3 992     | 736,59   | 181,16   | 642,24   | 26 481  | 77,20  | 178 492   | 203,76   | 74,22  |
| 2.240 | ex 0810 90 80            | Khakis (including Sharon fruit)                  | 371,99                               | 15 549    | 2 868,47 | 705,48   | 2 501,02 | 103 126 | 300,63 | 695 088   | 793,51   | 289,06 |
| 2.250 | ex 0810 90 30            | Lychees                                          | 507,61                               | 20 760    | 3 965,47 | 971,23   | 3 390,61 | 139 681 | 417,68 | 939 404   | 1 090,83 | 393,84 |

**COMMISSION REGULATION (EEC) No 2864/93**  
**of 20 October 1993**  
**on the supply of vegetable oil as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management<sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90<sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management<sup>(3)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 4 500 tonnes of vegetable oil;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid<sup>(4)</sup>, as amended by Regulation (EEC) No 790/91<sup>(5)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid re-publication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

*Article 1*

Vegetable oil shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

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

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX

## LOTS A and B

1. **Operation Nos** <sup>(1)</sup>: 1523/92 (lot A) and 1524/92 (lot B)
2. **Programme** : 1992
3. **Recipient** <sup>(2)</sup>: Egypt
4. **Representative of the recipient** : Ambassade de la République Arabe d'Égypte, section commerciale, 522 avenue Louise, B-1050 Bruxelles; (tel. (32 2) 647 32 27, telex 64809 COMRAU B, fax (32 2) 646 45 09)
5. **Place or country of destination** <sup>(3)</sup>: Egypt
6. **Product to be mobilized** : refined sunflower oil
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(4)</sup>: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.1 (b))
8. **Total quantity** : 4 000 tonnes net
9. **Number of lots** : two (lot A: 2 000 tonnes; lot B: 2 000 tonnes)
10. **Packaging and marking** <sup>(5)</sup> <sup>(11)</sup>: see list published in OJ No C 114, 29. 4. 1991, p. 1 : under IIIA.2.1, IIIA.2.3 and IIIA.3; metal casks  
Markings in English
11. **Method of mobilization** : the Community market
12. **Stage of supply** <sup>(10)</sup>: free at port of shipment — fob stowed
13. **Port of shipment** : —
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available (fob stowed) at the port of shipment stage** : lot A : 4 - 14. 12. 1993; lot B : 21 - 31. 12. 1993
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : tendering
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 9. 11. 1993
21. **A. In the case of a second invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 23. 11. 1993
  - (b) period for making the goods available (fob stowed) at the port of shipment : lot A : 18 - 28. 12. 1993; lot B : 4 - 14. 1. 1994
  - (c) deadline for the supply : —**B. In the case of a third invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 7. 12. 1993
  - (b) period for making the goods available (fob stowed) at the port of shipment : lot A : 1 - 11. 1. 1994; lot B : 18 - 28. 1. 1994
  - (c) deadline for the supply : —
22. **Amount of the tendering security** : ECU 15 per tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B; telefax : (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer** <sup>(1)</sup>: —

## LOT C

1. **Operation No** <sup>(1)</sup>: 987/93
2. **Programme**: 1993
3. **Recipient** <sup>(2)</sup>: Mozambique
4. **Representative of the recipient**:  
Banco de Mozambique, av. 25 de Setembro 1679, Maputo, PO Box 423. Contact: Rashida Amade (tel. 423 968, fax: 429 718)
5. **Place or country of destination** <sup>(3)</sup>: Mozambique
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.1.(a))
8. **Total quantity**: 500 tonnes net
9. **Number of lots**: one in two parts (C 1: 250 tonnes; C 2: 250 tonnes)
10. **Packaging and marking** <sup>(6)</sup> <sup>(7)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA.2.2, IIIA.2.3 and IIIA.3):  
— 20-litre plastic drums, the 20-litre drums shall not be stacked on pallets  
Markings in Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: see Annex II  
C 1: Empresa Nacional de Comércio, SARL (ENACOMO), Av. Samora Machel n. 285, Maputo, PO Box 698, (tel. 43 01 71/5, fax 42 84 84, telex 6-387 ENEXPMO) — ENACOMO warehouse Beira: Rua Sanches Miranda. Distance port - warehouse: 4 km  
C 2: Mufuia Comercial LDA, PO Box 443, Chimoio (tel. (051) 221 73, fax (051) 227 70) — Beira warehouse: Rua Vieira da Roga (tel. (03) 32 60 37). Distance port - warehouse: 1 km
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 6 — 19. 12. 1993
18. **Deadline for the supply**: 9. 1. 1994
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 9. 11. 1993
21. **A. In the case of a second invitation to tender**:  
(a) deadline for the submission of tenders: 12 noon (Brussels time) on 23. 11. 1993  
(b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20. 12. 1993 — 2. 1. 1994  
(c) deadline for the supply: 23. 1. 1994  
**B. In the case of a third invitation to tender**:  
(a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 12. 1993  
(b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 3 — 16. 1. 1994  
(c) deadline for the supply: 6. 2. 1994
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97 / 295 01 30 / 296 33 04
25. **Refund payable on request by the successful tenderer** <sup>(1)</sup>: —

*Notes :*

- (1) The operation number should be mentioned in all correspondence.
- (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

- (4) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (5) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33.
- (6) Notwithstanding OJ No C 114, point IIIA.3 (c) is replaced by the following : 'the words "European Community"'.
  - (7) Placed in 20-foot containers. The free holding period for containers must be at least 15 days.
  - (8) Radiation certificate must be issued by official authorities and be legalized for following countries : Egypt.
  - (9) The following documents must be sent to the beneficiary's representative immediately after loading to enable him to obtain an import licence :
    - original *pro forma* invoice indicating :
      - type of goods, quantity,
      - fob price,
      - insurance costs,
      - freight costs,
    - packing list,
    - health certificate,
    - radiation certificate,
    - bill of lading (1/3 original).

- (10) Notwithstanding Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include all loading, handling and stowage costs.

- (11) By way of derogation from OJ No C 114 : 190 to 200-litre/kilo metal casks.

The casks must be made of sheet of a minimum thickness of 1,0 mm for the cover, 0,9 mm for the body and 1,0 mm for the base (10 mm × 9 mm × 10 mm).

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## COMMISSION REGULATION (EEC) No 2865/93

of 20 October 1993

**reintroducing customs duties on products of CN codes 3102 10 10, ex 7304, 7305 and ex 7306 originating in the Republics of Croatia, Bosnia-Herzegovina and Slovenia and in the territory of the former Yugoslav Republic of Macedonia for which tariff ceilings were opened by Council Regulation (EEC) No 478/83**

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

Having regard to Council Regulation (EEC) No 478/93 of 25 February 1993 establishing ceilings and Community surveillance for imports of certain products originating in the Republics of Croatia, Bosnia-Herzegovina, Slovenia and the territory of the former Yugoslav Republic of Macedonia (1993) (1), and in particular Article 1 (4) thereof;

Whereas, pursuant to Article 1 of that Regulation, the Republics of Croatia, Bosnia-Herzegovina and Slovenia and the territory of the former Yugoslav Republic of Macedonia should benefit from preferential tariff arrangements, in particular subject to tariff ceilings; whereas Article 1 (4) provides that once the ceilings are reached the Commission may adopt a regulation to reintroduce the levying of the customs duties actually applied *vis-à-vis* third countries until the end of the calendar year;

Whereas imports of the products specified in the Annex to this Regulation originating in the said Republics and eligible for tariff preference have been charged against the ceiling up to the total amount; whereas the situation on

the Community market for these products requires the reintroduction of customs duties *vis-à-vis* the Republics in question;

Whereas the levying of customs duties for these products should therefore be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 25 October 1993, the levying of customs duties suspended for 1993 by Regulation (EEC) No 478/93 shall be reintroduced on imports into the Community of the products shown in the Annex, originating in the Republics of Croatia, Bosnia-Herzegovina and Slovenia and the territory of the former Yugoslav Republic of Macedonia.

*Article 2*

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

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

Done at Brussels, 20 October 1993.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

(1) OJ No L 51, 3. 3. 1993, p. 9.

## ANNEX

| Order No | CN code    | Description                                                                                                                                                     |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)      | (2)        | (3)                                                                                                                                                             |
| 01.0010  | 3102 10 10 | — — Urea containing more than 45 % by weight of nitrogen on the dry anhydrous product                                                                           |
| 01.0160  | 7304       | Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel :                                                                           |
|          | 7304 10    | — Line pipe of a kind used for oil or gas pipelines :                                                                                                           |
|          | 7304 10 10 | — — Of an external diameter not exceeding 168,3 mm                                                                                                              |
|          | 7304 10 30 | — — Of an external diameter exceeding 168,3 mm, but not exceeding 406,4 mm                                                                                      |
|          | 7304 10 90 | — — Of an external diameter exceeding 406,4 mm                                                                                                                  |
|          | 7304 20    | — Casing, tubing and drill pipe, of a kind used in drilling for oil or gas :                                                                                    |
|          |            | — — Other :                                                                                                                                                     |
|          | 7304 20 91 | — — — Of an external diameter not exceeding 406,4 mm                                                                                                            |
|          | 7304 20 99 | — — — Of an external diameter not exceeding 406,4 mm                                                                                                            |
|          |            | — Other, of circular cross-section, of iron or non-alloy steel :                                                                                                |
|          | 7304 31    | — — Cold-drawn or cold-rolled (cold-reduced) :                                                                                                                  |
|          |            | — — — Other :                                                                                                                                                   |
|          | 7304 31 91 | — — — — Precision tubes                                                                                                                                         |
|          | 7304 31 99 | — — — — Other                                                                                                                                                   |
|          | 7304 39    | — — Other :                                                                                                                                                     |
|          | 7304 39 10 | — — — Unworked, straight and of uniform wall-thickness, for use solely in the manufacture of tubes and pipes with other cross-sections and wall-thicknesses (!) |
|          |            | — — — Other :                                                                                                                                                   |
|          |            | — — — — Other :                                                                                                                                                 |
|          |            | — — — — — Other :                                                                                                                                               |
|          |            | — — — — — Threaded or threadable tubes (gas pipe) :                                                                                                             |
|          | 7304 39 51 | — — — — — — Plated or coated with zinc                                                                                                                          |
|          | 7304 39 59 | — — — — — — Other                                                                                                                                               |
|          |            | — — — — — Other, of an external diameter :                                                                                                                      |
|          | 7304 39 91 | — — — — — — Not exceeding 168,3 mm                                                                                                                              |
|          | 7304 39 93 | — — — — — — Exceeding 168,3 mm, but not exceeding 406,4 mm                                                                                                      |
|          | 7304 39 99 | — — — — — — Exceeding 406,4 mm                                                                                                                                  |
|          |            | — Other, of circular cross-section, of stainless steel :                                                                                                        |
|          | 7304 41    | — — Cold-drawn or cold-rolled (cold-reduced) :                                                                                                                  |
|          | 7304 41 90 | — — — Other                                                                                                                                                     |
|          | 7304 49    | — — Other :                                                                                                                                                     |
|          | 7304 49 10 | — — — Unworked, straight and of uniform wall-thickness, for use solely in the manufacture of tubes and pipes with other cross-sections and wall-thicknesses (!) |
|          |            | — — — Other :                                                                                                                                                   |
|          |            | — — — — Other :                                                                                                                                                 |
|          | 7304 49 91 | — — — — — Of an external diameter not exceeding 406,4 mm                                                                                                        |

| Order No            | CN code    | Description                                                                                                                                                                                                                                                 |
|---------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                 | (2)        | (3)                                                                                                                                                                                                                                                         |
| 01.0160<br>(cont'd) | 7304 49 99 | - - - - - Of an external diameter exceeding 406,4 mm                                                                                                                                                                                                        |
|                     |            | - Other, of circular cross-section, of other alloy steel :                                                                                                                                                                                                  |
|                     | 7304 51    | - - Cold-drawn or cold-rolled (cold-reduced) :                                                                                                                                                                                                              |
|                     |            | - - - Straight and of uniform wall-thickness, of alloy steel containing by weight not less than 0,9 % but not more than 1,15 % of carbon, not less than 0,5 % but not more than 2 % of chromium and not more than 0,5 % of molybdenum, of a length :        |
|                     | 7304 51 11 | - - - - Not exceeding 4,5 m                                                                                                                                                                                                                                 |
|                     | 7304 51 19 | - - - - Exceeding 4,5 m                                                                                                                                                                                                                                     |
|                     |            | - - - Other :                                                                                                                                                                                                                                               |
|                     |            | - - - - Other :                                                                                                                                                                                                                                             |
|                     | 7304 51 91 | - - - - - Precision tubes                                                                                                                                                                                                                                   |
|                     | 7304 51 99 | - - - - - Other                                                                                                                                                                                                                                             |
|                     | 7304 59    | - - Other :                                                                                                                                                                                                                                                 |
|                     | 7304 59 10 | - - - Unworked, straight and of uniform wall-thickness, for use solely in the manufacture of tubes and pipes with other cross-sections and wall-thicknesses (')                                                                                             |
|                     |            | - - - Other, straight and of uniform wall-thickness, of alloy steel containing by weight not less than 0,9 % but not more than 1,15 % of carbon, not less than 0,5 % but not more than 2 % of chromium and not more than 0,5 % of molybdenum, of a length : |
|                     | 7304 59 31 | - - - - Not exceeding 4,5 m                                                                                                                                                                                                                                 |
|                     | 7304 59 39 | - - - - Exceeding 4,5 m                                                                                                                                                                                                                                     |
|                     |            | - - - Other :                                                                                                                                                                                                                                               |
|                     |            | - - - - Other :                                                                                                                                                                                                                                             |
|                     | 7304 59 91 | - - - - - Of an external diameter not exceeding 168,3 mm                                                                                                                                                                                                    |
|                     | 7304 59 93 | - - - - - Of an external diameter exceeding 168,3mm, but not exceeding 406,4 mm                                                                                                                                                                             |
|                     | 7304 59 99 | - - - - - Of an external diameter exceeding 406,4 mm                                                                                                                                                                                                        |
|                     | 7304 90    | - Other :                                                                                                                                                                                                                                                   |
|                     | 7304 90 90 | - - Other                                                                                                                                                                                                                                                   |
|                     | 7305       | Other tubes and pipes (for example, welded, riveted or similarly closed), having internal and external circular cross-sections, the external diameter of which exceeds 406,4 mm, of iron or steel                                                           |
|                     | 7306       | Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted or similarly closed), of iron or steel :                                                                                                                                  |
|                     | 7306 10    | - Line pipe of a kind used for oil or gas pipelines :                                                                                                                                                                                                       |
|                     |            | - - Longitudinally welded, of an external diameter of :                                                                                                                                                                                                     |
|                     | 7306 10 11 | - - - Not more than 168,3 mm                                                                                                                                                                                                                                |
|                     | 7306 10 19 | - - - More than 168,3 mm, but not more than 406,4 mm                                                                                                                                                                                                        |
|                     | 7306 10 90 | - - Spirally welded                                                                                                                                                                                                                                         |
|                     | 7306 20 00 | - Casing and tubing of a kind used in drilling for oil or gas                                                                                                                                                                                               |
|                     | 7306 30    | - Other, welded, of circular cross-section, of iron or non-alloy steel :                                                                                                                                                                                    |
|                     |            | - - Other :                                                                                                                                                                                                                                                 |
|                     |            | - - - Precision tubes, with a wall thickness :                                                                                                                                                                                                              |

| Order No            | CN code    | Description                                                                    |
|---------------------|------------|--------------------------------------------------------------------------------|
| (1)                 | (2)        | (3)                                                                            |
| 01.0160<br>(cont'd) | 7306 30 21 | - - - - Not exceeding 2 mm                                                     |
|                     | 7306 30 29 | - - - - Exceeding 2 mm                                                         |
|                     |            | - - - Other :                                                                  |
|                     |            | - - - - Threaded or threadable tubes (gas pipe) :                              |
|                     | 7306 30 51 | - - - - - Plated or coated with zinc                                           |
|                     | 7306 30 59 | - - - - - Other                                                                |
|                     |            | - - - - - Other, of an external diameter :                                     |
|                     |            | - - - - - Not exceeding 168,3 mm :                                             |
|                     | 7306 30 71 | - - - - - Plated or coated with zinc                                           |
|                     | 7306 30 78 | - - - - - Other                                                                |
|                     | 7306 30 90 | - - - - - Exceeding 168,3 mm, but not exceeding 406,4 mm                       |
|                     | 7306 40    | - Other, welded, of circular cross-section, of stainless steel :               |
|                     |            | - - Other :                                                                    |
|                     | 7306 40 91 | - - - Cold-drawn or cold-rolled (cold-reduced)                                 |
|                     | 7306 40 99 | - - - Other                                                                    |
|                     | 7306 50    | - Other, welded, of circular cross-section, of other alloy steel :             |
|                     |            | - - Other :                                                                    |
|                     | 7306 50 91 | - - - Precision tubes                                                          |
|                     | 7306 50 99 | - - - Other                                                                    |
|                     | 7306 60    | - Other, welded, of non-circular cross-section :                               |
|                     |            | - - Other :                                                                    |
|                     |            | - - - Of rectangular (including square) cross-section, with a wall thickness : |
|                     | 7306 60 31 | - - - - Not exceeding 2 mm                                                     |
|                     | 7306 60 39 | - - - - Exceeding 2 mm                                                         |
|                     | 7306 60 90 | - - - Of other sections                                                        |
|                     | 7306 90 00 | - Other                                                                        |

(<sup>1</sup>) Entry under this code is subject to conditions laid down in the relevant Community provisions. See also Section II, paragraph B, of the preliminary provisions (combined nomenclature).

## COMMISSION REGULATION (EEC) No 2866/93

of 20 October 1993

amending Regulation (EEC) No 1756/93 fixing the operative events for the agricultural conversion rate applicable to milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(1)</sup>, and in particular Article 6 (2) thereof,

Whereas Commission Regulation (EEC) No 1756/93<sup>(2)</sup> accidentally failed to repeal the last sentence of the last subparagraph of Article 1 (5) of Commission Regulation (EEC) No 625/78 of 30 March 1978 on detailed rules of application for public storage of skimmed-milk powder<sup>(3)</sup>, as last amended by Regulation (EEC) No 2270/91<sup>(4)</sup>, and the last part of the sentence in the third subparagraph of Article 24 (4) of Commission Regulation (EEC) No 685/69 of 14 April 1969 on detailed rules of application for intervention on the market in butter and cream<sup>(5)</sup>, as last amended by Regulation (EEC) No 1756/93<sup>(6)</sup>; whereas those omissions should therefore be rectified;

Whereas Regulation (EEC) No 1756/93 seeks to fix precisely the agricultural conversion rate to be applied for all amounts fixed in ecus in the milk and milk products sector; whereas that Regulation should therefore be amended so as to fix the operative events for the amounts specified in Article 3 (3) (a) and (b) and in Article 8 (2) (c) of Commission Regulation (EEC) No 1107/68 of 27 July 1968 on detailed rules of application for intervention on the market in Grana Padano and Parmigiano-Reggiano cheeses<sup>(7)</sup>, as last amended by Regulation (EEC) No 2441/93<sup>(8)</sup>;

Whereas the operative event for the agricultural conversion rate to be used for the conversion into national currency of the sum referred to in Article 4 (1) of Commission Regulation (EEC) No 2742/90 of 26 September 1990 laying down detailed rules for the application of Council Regulation (EEC) No 2204/90<sup>(9)</sup>, as last amended by Regulation (EEC) No 2146/92<sup>(10)</sup>, referred to in item 5 of Part D of the Annex to Regulation (EEC) No 1756/93 is the date of payment of the amount in question; whereas the aim of that provision is to penalize the unauthorized use of caseines and caseinates; whereas that aim should be considered to have

been achieved at the time the infringement is discovered; whereas the operative event should therefore be amended appropriately;

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

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EEC) No 1756/93 is amended as follows:

1. in Article 3 (1), the following indents are added:

- the last sentence of the last subparagraph of Article 1 (5) of Regulation (EEC) No 625/78,
- the last part of the sentence in the third subparagraph of Article 24 (4) of Regulation (EEC) No 685/69;

2. the following is added to item 1 of Part D of the Annex:

| 'Amounts concerned'                                                                            | Agricultural conversion rate to be applied                                                                                       |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| D. Storage costs referred to in points (a) and (b) of the second subparagraph of Article 3 (3) | Agricultural conversion rate applicable on the date of taking over within the meaning of the first subparagraph of Article 3 (3) |
| E. Offer price accepted under the tendering procedures referred to in Article 8 (2) (c)        | Agricultural conversion rate applicable on the date of payment                                                                   |

3. in item 5 of Part D of the Annex, 'Agricultural conversion rate applicable on the date of payment' is replaced by 'Agricultural conversion rate applicable on the first day of the month in which the infringement is discovered'.

## Article 2

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

However, point 1 of Article 1 shall apply from 1 July 1993.

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

<sup>(2)</sup> OJ No L 161, 2. 7. 1993, p. 48.

<sup>(3)</sup> OJ No L 84, 31. 3. 1978, p. 19.

<sup>(4)</sup> OJ No L 208, 30. 7. 1991, p. 35.

<sup>(5)</sup> OJ No L 90, 15. 4. 1969, p. 12.

<sup>(6)</sup> OJ No L 161, 2. 7. 1993, p. 48.

<sup>(7)</sup> OJ No L 184, 29. 7. 1968, p. 29.

<sup>(8)</sup> OJ No L 224, 3. 9. 1993, p. 5.

<sup>(9)</sup> OJ No L 264, 27. 9. 1990, p. 20.

<sup>(10)</sup> OJ No L 214, 30. 7. 1992, p. 23.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2867/93**

of 20 October 1993

**amending Regulation (EEC) No 2377/80 on special detailed rules for the application of the system of import and export licences in the beef and veal sector**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last amended by Regulation (EEC) No 523/91<sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 101 (1) of Council Decision 91/482/EEC<sup>(3)</sup> lays down that products originating in the OCT shall be imported into the Community free of customs duties and charges having equivalent effect; whereas Council Regulation (EEC) No 444/92<sup>(4)</sup> extends Regulation (EEC) No 715/90 solely in respect of products originating in the ACP States; whereas, accordingly, Commission Regulation (EEC) No 2377/80<sup>(5)</sup>, as last amended by Regulation (EEC) No 2292/93<sup>(6)</sup>, should be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2377/80 is amended as follows:

1. In Article 13 (1), (a) and (b) are replaced by the following:

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

Done at Brussels, 20 October 1993.

- (a) under the heading "Notes" and in Section 24 respectively one of the following:

- Producto ACP — Reglamento (CEE) n° 715/90,
- AVS-varer — forordning (EØF) nr. 715/90,
- AKP-Erzeugnis — Verordnung (EWG) Nr. 715/90,
- Προϊόν ΑΚΕ — Κανονισμός (ΕΟΚ) αριθ. 715/90,
- ACP-product — Regulation (EEC) No 715/90,
- Produit ACP — règlement (CEE) n° 715/90,
- Prodotto ACP — regolamento (CEE) n. 715/90,
- ACS-produkt — Verordening (EEG) nr. 715/90,
- Produto ACP — Regulamento (CEE) n° 715/90.

- (b) in Section 8, the name of the State in which the product is to originate;

2. in Point 1 of Section I of Annex I, 'OCT' is deleted.

*Article 2*

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

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 58, 5. 3. 1991, p. 1.

<sup>(3)</sup> OJ No L 263, 19. 9. 1991, p. 27.

<sup>(4)</sup> OJ No L 52, 27. 2. 1992, p. 7.

<sup>(5)</sup> OJ No L 241, 4. 9. 1980, p. 5.

<sup>(6)</sup> OJ No L 206, 18. 8. 1993, p. 3.

**COMMISSION REGULATION (EEC) No 2868/93**  
**of 20 October 1993**

**amending Annex X to Regulation (EEC) No 3587/86 fixing the conversion factors  
to be applied to the buying-in prices for fruit and vegetables as regards apples**

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 <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 638/93 <sup>(2)</sup>, and in particular  
Article 16 (4) thereof,

Whereas Annex X to Commission Regulation (EEC)  
No 3587/86 <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2610/93 <sup>(4)</sup>, fixes the conversion factors to be applied  
to the buying-in prices for apples with different commer-  
cial characteristics from those used for fixing the basic  
prices;

Whereas information received by the Commission has  
shown that the production quotations of the variety 'Gala'  
are equal or higher than the quotation of those varieties  
being used for fixing the basic prices; whereas the muta-  
tions of the variety 'Gala' have practically identical charac-  
teristics and consequently should be grouped together;

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*

Annex X 'Apples' to Regulation (EEC) No 3587/86 is  
hereby amended as follows:

in the first indent of '(a) variety', 'Gala and mutations' is  
added after 'Elstar'.

*Article 2*

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

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 69, 20. 3. 1993, p. 7.

<sup>(3)</sup> OJ No L 334, 27. 11. 1986, p. 1.

<sup>(4)</sup> OJ No L 239, 24. 9. 1993, p. 16.

## COMMISSION REGULATION (EEC) No 2869/93

of 20 October 1993

amending Regulation (EEC) No 3567/92 concerning the notification deadlines for the transfers of rights and temporary leases laid down by Council Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 363/93<sup>(2)</sup>, and in particular Article 5a (4) (b) and (f) thereof,

Whereas the implementation, pursuant to Commission Regulation (EEC) No 3567/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 1845/93<sup>(4)</sup>, of the rules on individual limits introduced in Article 5a of Regulation (EEC) No 3013/89 resulted, during the 1993 marketing year, in administrative difficulties for certain Member States and led to substantial delays in the setting of such individual limits; whereas, consequently, certain producers were not able to make the transfers of rights or temporary leases laid down in Article 5a (4) of Regulation (EEC) No 3013/89 within the time limits specified in Article 7 (2) of Regulation (EEC) No 3567/92; whereas the Member States should therefore be authorized, under certain conditions designed to limit as far as possible the risk of irregularities, to set in 1993 a second period for notification by the producers concerned of such transfers or temporary leasing of rights;

Whereas the administrative difficulties in question are also likely to affect the mechanisms set up for the transfers and temporary leasing of rights in respect of the 1994 marketing year; whereas, therefore, it should also be laid down that the second period referred to above shall also apply to certain transfers and temporary leasings in respect of the 1994 marketing year under the conditions referred to above;

Whereas, for the same reasons, Member States should be authorized, as a special measure for the 1994 marketing year, to extend by one month the deadline for the notification of transfers of premium rights and temporary leasing of such rights referred to in Article 7 (2);

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3567/92 is hereby amended as follows:

1. the final sentence of the second subparagraph of Article 7 (2) is replaced by the following:

'However, notification:

- for the 1993 marketing year shall be made before a date to be fixed by the Member State,
- for the 1994 marketing year shall be made one month at the latest before the first day of the period for submitting applications laid down by each, or of the first period where more than one such period had been laid down by the Member State.'

2. the following subparagraph is added to Article 7 (2):

'For the 1993 and 1994 marketing years, Member States may specify a second period for producers fulfilling one of the following conditions:

— 1993 marketing year

- (a) producers offering rights: the total quantity of rights to the premium at their disposal must, at the time of the transfer or leading operation, exceed the quantity for which the premium was requested in respect of the 1993 marketing year. In addition, the transfer or leasing operation may, at the very most, relate only to the difference between the total quantity of rights and the quantity applied for in respect of the 1993 marketing year;

- (b) producers receiving rights:

- either, must not have obtained from the competent authority, 10 working days before the deadline fixed by the Member State for the notification of transfers and temporary leasing in respect of the 1993 marketing year, notification of the initial figure for the individual limit,

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 42, 19. 2. 1993, p. 1.

<sup>(3)</sup> OJ No L 362, 11. 12. 1992, p. 41.

<sup>(4)</sup> OJ No L 168, 10. 7. 1993, p. 30.

- or, must not have obtained from the national reserve the entire quantity of rights applied for in respect of the 1993 marketing year,
- 1994 marketing year
- (a) producers offering rights: the total quantity of rights to the premium at their disposal must, at the time of the transfer or leasing operation, exceed the quantity for which the premium was requested/will be requested in respect of the 1994 marketing year. In addition, the transfer or leasing operation may, at the very most, relate only to the difference between the total quantity of rights and the quantity applied for in respect of the 1994 marketing year;
- (b) producers receiving rights:
  - either, must not have obtained from the competent authority, 10 working days before the deadline fixed by the Member State for the notification of transfers and temporary leasings

- in respect of the 1994 marketing year, notification of the individual limit,
- or, must not have obtained from the national reserve the entire quantity of rights applied for in respect of the 1994 marketing year.';

3. the following paragraph is added to Article 9:

'However, with respect to the 1993 and 1994 marketing years, where notification of transfer or temporary leasing of rights has been made before the end of the second period fixed by the Member State pursuant to Article 7 (2), such notification shall be made before a date to be determined by the Member State.'

*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 the beginning of the 1993 marketing year.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 2870/93

of 20 October 1993

on the opening of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making wheat held by the French intervention agency

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<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup> lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender should be opened for the resale on the internal market of 200 000 tonnes of bread-making wheat held by the French intervention agency;

Whereas the market situation for bread-making wheat is characterized by a severely diminished 1993 harvest and, consequently, by abnormally high prices by comparison with the support prices; whereas no account should be taken therefore of the market price in the appraisal of tenders, and a minimum price should be fixed in excess of the intervention price;

Whereas, given the lengthy storage period for certain lots reoffered for sale on the market, potential buyers should be afforded a degree of security as regards quality;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The French intervention agency shall, pursuant to the terms specified in Regulation (EEC) No 2131/93, initiate a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making wheat held by it.

*Article 2*

1. The deadline for the submission of tenders for the first partial invitation to tender shall be 26 October 1993.
2. The deadline for the submission of tenders for the final partial invitation to tender shall be 21 December 1993.
3. The tenders shall be deposited with the French intervention agency:

Office national interprofessionnel des céréales (ONIC),  
21, avenue Bosquet,  
F-75326 Paris Cedex 07,  
(telex OFIBLE A 27807 F).

*Article 3*

When the successful tenderer removes the cereals from intervention, the intervention agency shall, for cross-checking purposes, take a sample using the same method as that laid down in Commission Regulation (EEC) No 689/92<sup>(4)</sup>.

If the analysis shows a sizeable difference between the quality of the cereals removed and the quality as described in the notice of invitation to tender, referred to in Article 3 of Regulation (EEC) No 2131/93, the successful tenderer may refuse the goods.

A difference of more than one percentage point in respect of one of the impurities referred to in the Annex to Regulation (EEC) No 689/92, with the exception of broken grains or mottled grains, shall be considered a sizeable difference.

The successful tenderer may also refuse the goods if they do not correspond to the criteria set out in Sections A, C, E, F and G of the Annex to Regulation (EEC) No 689/92.

In the event of dispute, the intervention agency shall submit the sample in question for inspection and the costs incurred shall be borne by the losing party.

*Article 4*

Notwithstanding Article 5 (1) of Regulation (EEC) No 2131/93, the highest bid exceeding the minimum price of ECU 125 per tonne shall be accepted. The minimum price shall be raised by monthly increases, to be applied to the intervention price as laid down in Council Regulation (EEC) No 1542/93<sup>(5)</sup>.

*Article 5*

The French intervention agency shall notify the Commission, by no later than the Tuesday of the week following the expiry of the deadline for the submission of tenders, of the quantity and the average prices of the different lots sold.

*Article 6*

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

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 74, 20. 3. 1992, p. 18.

<sup>(5)</sup> OJ No L 154, 25. 6. 1993, p. 3.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2871/93

of 20 October 1993

on the issue of a standing invitation to tender for the resale on the internal market of 400 000 tonnes of bread-making wheat held by the German intervention agency with a view to its processing in the other Member States

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<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup> lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender should be opened for the resale on the internal market of 400 000 tonnes of bread-making wheat held by the German intervention agency;

Whereas the market situation for bread-making wheat is characterized by a severely diminished 1993 harvest and, consequently, by abnormally high prices by comparison with the support prices; whereas no account should be taken therefore of the market price in the appraisal of tenders, and a minimum price should be fixed in excess of the intervention price;

Whereas, given the lengthy storage period for certain lots reoffered for sale on the market, potential buyers should be afforded a degree of security as regards quality;

Whereas, moreover, as regards verification, the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention<sup>(4)</sup>, as last amended by Regulation (EEC) No 1938/93<sup>(5)</sup>, are applicable;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The German intervention agency shall issue a standing invitation to tender for the redisposal on the

internal market of 400 000 tonnes of bread-making wheat with a view to its processing in the other Member States.

2. Without prejudice to the provisions of Regulation (EEC) No 2131/93 and in particular the second subparagraph of Article 13 (4) thereof, the following special rules shall apply to the present invitation to tender:

- tenderers shall undertake to process the quantities of bread-making wheat in the other Member States,
- processing must be carried out by 31 March 1994 at the latest, except in cases of *force majeure*,
- a security of ECU 20 per tonne shall be lodged by the successful tenderer with the German intervention agency to ensure that the conditions laid down in the first and second indents are complied with. The security shall be lodged at the latest two working days following the day on which the statement of the award of contract was received.

*Article 2*

1. The obligations referred to in the first and second indents of Article 1 (2) shall be considered as primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85<sup>(6)</sup>. They shall be considered as having been fulfilled only if the successful tenderer provides proof to that effect.

2. Proof that the cereals referred to in this Regulation have been processed shall be furnished in accordance with Regulation (EEC) No 3002/92.

Processing shall be deemed to have taken place when the bread-making wheat is delivered to a storehouse located in another Member State.

*Article 3*

When the successful tenderer removes the cereals from intervention, the intervention agency shall, for cross-checking purposes, take a sample using the same method as that laid down in Commission Regulation (EEC) No 689/92<sup>(7)</sup>.

If the analysis shows a sizeable difference between the quality of the cereals removed and the quality as described in the notice of invitation to tender, referred to in Article 3 of Regulation (EEC) No 2131/93, the successful tenderer shall refuse the goods.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(5)</sup> OJ No L 176, 20. 7. 1993, p. 12.

<sup>(6)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(7)</sup> OJ No L 74, 20. 3. 1992, p. 18.

A difference of more than one percentage point in respect of one of the impurities referred to in the Annex to Regulation (EEC) No 689/92, with the exception of broken grains or mottled grains, shall be considered a sizeable difference.

The successful tenderer may also refuse the goods if they do not correspond to the criteria set out in Sections A, C, E, F and G of the Annex to Regulation (EEC) No 689/92.

In the event of dispute, the intervention agency shall submit the sample in question for inspection and the costs incurred shall be borne by the losing party.

#### Article 4

Notwithstanding Article 5 (1) of Regulation (EEC) No 2131/93, the highest bid exceeding the minimum price of ECU 125 per tonne shall be accepted. The minimum price shall be raised by monthly increases, to be applied to the intervention price as laid down in Council Regulation (EEC) No 1542/93<sup>(1)</sup>.

#### Article 5

Apart from the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T 5 control copy must contain one or more of the following:

- Destnados a la transformación [Reglamento (CEE) n° 2871/93],
- Til forarbejdning (forordning (EØF) nr. 2871/93)
- Zur Verarbeitung bestimmt (Verordnung (EWG) Nr. 2871/93),
- Προοριζόμενο για μεταποίηση [Κανονισμός (ΕΟΚ) αριθ. 2871/93],
- For processing (Regulation (EEC) No 2871/93),
- Destinées à la transformation [règlement (CEE) n° 2871/93],
- Destinate alla trasformazione [regolamento (CEE) n. 2871/93],

- Bestemd om te worden verwerkt (Verordening (EEG) nr. 2871/93),
- Destinadas à transformação [Regulamento (CEE) n° 2871/93].

#### Article 6

1. The closing date for the submission of tenders for the first partial invitation to tender is hereby fixed at 26 October 1993.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 21 December 1993.

3. Tenders must be lodged with the German intervention agency:

Bundesanstalt für landwirtschaftliche Marktordnung (BALM),  
Adickesalle 40,  
D—60322 Frankfurt am Main,  
(telex: 41 14 75, 41 60 44).

#### Article 7

The German intervention agency shall communicate to the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, the quantity and the average prices of the various lots sold.

#### Article 8

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

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 154, 25. 6. 1993, p. 3.

## COMMISSION REGULATION (EEC) No 2872/93

of 20 October 1993

re-establishing the levying of customs duties on products falling within CN codes 2523, originating in Poland and in the territory of the former Czech and Slovak Republic, to which the tariff ceilings set out in Council Regulation (EEC) No 3918/92 apply

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

Having regard to Council Regulation (EEC) No 3918/92 of 28 December 1992 opening and providing for the administration of Community tariff quotas and ceilings for certain agricultural and industrial products and establishing a reduced variable component for certain processed agricultural products originating in Hungary, Poland and the territory of the former Czech and Slovak Federal Republic (CSFR) (1), amended by Regulation (EEC) No 2232/93 (2), and in particular Article 6 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3918/92, Hungary, Poland and the territory of the former Czech and Slovak Federal Republic (CSFR) shall benefit from preferential tariff arrangements, in particular the preferential tariff ceilings laid down in column 6 of Annex I to that Regulation; whereas, pursuant to Article 6, as soon as the ceilings have been reached, the Commission may adopt a regulation re-establishing the customs duties applicable to the third countries in question until the end of the calendar year;

Whereas that ceiling was reached by charges of imports of the products listed in the Annex, originating in Poland, to which the tariff preferences apply;

Whereas, it is appropriate to re-establish the levying of customs duties for the products in question with respect to Poland and the territory of the former Czech and Slovak Republic,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 25 October 1993 the levying of customs duties, suspended for 1993 pursuant to Regulation (EEC) No 3918/92, shall be re-established on imports into the Community of the products listed in the Annex, originating in Poland and in the territory of the former Czech and Slovak Republic.

*Article 2*

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

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

Done at Brussels, 20 October 1993.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

(1) OJ No L 396, 31. 12. 1992, p. 12.

(2) OJ No L 200, 10. 8. 1993, p. 1.

*ANNEX*

| Order No | CN code | Description     | Origin                                                         |
|----------|---------|-----------------|----------------------------------------------------------------|
| 21.0001  | 2523    | Portland cement | Poland<br>Territory of the Former Czech<br>and Slovak Republic |

## COMMISSION REGULATION (EEC) No 2873/93

of 20 October 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export to certain destinations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in the beef and veal sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies<sup>(3)</sup>, as last amended by Regulation (EEC) No 1759/93<sup>(4)</sup>, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks; whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export either in the same state or after cutting and/or repackaging<sup>(5)</sup>, amended by Regulation (EEC) No 251/93<sup>(6)</sup>, provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85 for import into the Commonwealth of Independent States (CIS);

Whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased during the operation;

Whereas it is necessary to lay down a time limit for the export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on

special detailed rules for the application of the system of import and export licences in the beef and veal sector<sup>(7)</sup>, as last amended by Regulation (EEC) No 3662/92<sup>(8)</sup>;

Whereas in order to ensure that beef sold is exported to the intended destination, the lodging of a security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of these sales, exports should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provision of Commission Regulation (EEC) No 3002/92<sup>(9)</sup>, as last amended by Regulation (EEC) No 1938/93<sup>(10)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A sale shall be organized of approximately 10 000 tonnes of boneless beef held by the Irish intervention agency bought in before 1 September 1992.
2. This meat must be imported into one or more Republics of the CIS (see Annex III).
3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.
4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.
5. An offer or purchase application shall be valid only if it relates to a total minimum quantity of 5 000 tonnes expressed in product weight.

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

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

<sup>(3)</sup> OJ No L 238, 6. 9. 1984, p. 13.

<sup>(4)</sup> OJ No L 161, 2. 7. 1993, p. 59.

<sup>(5)</sup> OJ No L 268, 10. 10. 1985, p. 14.

<sup>(6)</sup> OJ No L 28, 5. 2. 1993, p. 47.

<sup>(7)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(8)</sup> OJ No L 370, 19. 12. 1992, p. 43.

<sup>(9)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(10)</sup> OJ No L 176, 20. 7. 1993, p. 12.

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 27 October 1993.

7. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

#### *Article 2*

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale with the intervention agency.

#### *Article 3*

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 150 per 100 kilograms of boneless beef.

#### *Article 4*

1. No export refund shall be granted on meat sold under this Regulation.

Removal orders as referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, export declarations and, where appropriate T 5 control copies shall bear the following:

Productos de intervención sin restitución [Reglamento (CEE) 2873/93];

Interventionsvarer uden restitution [Forordning (EØF) nr. 2873/93];

Interventionserzeugnisse ohne Erstattung [Verordnung (EWG) Nr. 2873/93];

Προϊόντα παρεμβάσεως χωρίς επιστροφή [Κανονισμός (ΕΟΚ) αριθ. 2873/93].

Intervention products without refund [Regulation (EEC) No 2873/93];

Produits d'intervention sans restitution [Règlement (CEE) n° 2873/93];

Prodotti d'intervento senza restituzione — [Regolamento (CEE) n. 2873/93];

Produkten uit interventievoorraden zonder restitutie — [Verordening (EEG) nr. 2873/93];

Produtos de intervenção sem restituição [Reglamento (CEE) n° 2873/93].

2. With regard to the security provided for in Article 3 (2) compliance with paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85<sup>(1)</sup>.

#### *Article 5*

This Regulation shall enter into force on 27 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 205, 3. 8. 1985, p. 5.

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

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lid-Staat<br>Estado-membro | Productos<br>Produkter<br>Erzeugnisse<br>Προϊόντα<br>Products<br>Produits<br>Prodotti<br>Produkten<br>Produtos | Cantidades (toneladas)<br>Mængde (tons)<br>Mengen (Tonnen)<br>Ποσότητες (τόνοι)<br>Quantities (tonnes)<br>Quantités (tonnes)<br>Quantità (tonnellate)<br>Hoeveelheid (ton)<br>Quantidade (toneladas) | Precio mínimo expresado en ecus por tonelada <sup>(1)</sup><br>Mindstepriser i ECU/ton <sup>(1)</sup><br>Mindestpreise, ausgedrückt in ECU/Tonne <sup>(1)</sup><br>Ελάχιστες τιμές πώλησως εκφραζόμενες σε Ecu τόνο <sup>(1)</sup><br>Minimum prices expressed in ecus per tonne <sup>(1)</sup><br>Prix minimaux exprimés en écus par tonne <sup>(1)</sup><br>Prezzi minimi espressi in ecu per tonnellata <sup>(1)</sup><br>Minimumprijzen uitgedrukt in ecu per ton <sup>(1)</sup><br>Preço mínimo expresso em ecus por tonelada <sup>(1)</sup> |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ireland                                                                                                                                     | — Plates and flanks                                                                                            | 10 000                                                                                                                                                                                               | 360                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

<sup>(1)</sup> Estos precios se entenderán con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

<sup>(1)</sup> Disse priser gælder i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

<sup>(1)</sup> Diese Preise gelten gemäß Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

<sup>(1)</sup> Οι τιμές αυτές εφαρμόζονται σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

<sup>(1)</sup> These prices shall apply in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

<sup>(1)</sup> Ces prix s'entendent conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

<sup>(1)</sup> Il prezzo si intende in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

<sup>(1)</sup> Deze prijzen gelden overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

<sup>(1)</sup> Estes preços aplicam-se conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

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

IRELAND: Department of Agriculture, Food and Forestry  
Agriculture House  
Kildare Street  
Dublin 2  
tel. (01) 678 90 11, ext. 2278 and 3806  
telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198

## ANNEX III

## Republics of the Commonwealth of Independent States

Armenia  
Azerbaijan  
Belarus  
Kazakhstan  
Kyrgyzstan  
Moldova  
Russia  
Tajikistan  
Turkmenistan  
Ukraine  
Uzbekistan

## COMMISSION REGULATION (EEC) No 2874/93

of 20 October 1993

on the sale of beef at prices fixed at a flat rate in advance held by certain intervention agencies and intended for supplying the Canary Islands and repealing Regulation (EEC) No 1777/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas certain intervention agencies hold substantial stocks of beef bought into intervention; whereas an extension of the storage period for that beef should be avoided on account of the ensuing high costs;

Whereas Commission Regulation (EEC) No 1912/92 of 10 July 1992 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the beef and veal sector<sup>(3)</sup>, as last amended by Regulation (EEC) No 2138/93<sup>(4)</sup>, lays down the forecast supply balance for frozen meat of bovine animals for the period 1 July 1993 to 30 June 1994; whereas, in the light of traditional trade patterns, it is appropriate to release intervention beef for the purpose of supplying the Canary Islands during that period;

Whereas Article 4 of Commission Regulation (EEC) No 1695/92 of 30 June 1992 laying down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands<sup>(5)</sup>, as last amended by Regulation (EEC) No 2596/93<sup>(6)</sup>, provides for the use of aid certificates delivered by the competent Spanish authorities for supplies from the Community; whereas the potential purchaser should be obliged to submit an aid certificate to the intervention agency at the same time as the application to purchase from intervention; whereas, in order to improve the operation of the abovementioned arrangements, certain derogations from Regulation (EEC) No 1912/92 should be provided for, in particular, with regard to the payment of aid and the security for aid certificates; whereas the support arrangements for the supply of the Canary Islands from intervention stocks provided for in Article 3 (2) of Council Regulation (EEC) No 1601/92<sup>(7)</sup>, as amended by Commission Regulation

(EEC) No 1974/93<sup>(8)</sup>, should be simplified by including the aid in the sale prices set in this Regulation;

Whereas for the purpose of purchase and control procedures, it is appropriate to apply certain provisions of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69<sup>(9)</sup>, as last amended by Regulation (EEC) No 1759/93<sup>(10)</sup>, and Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention<sup>(11)</sup>, as last amended by Regulation (EEC) No 1938/93<sup>(12)</sup>;

Whereas it is necessary to provide for the lodging of a security to guarantee that the beef arrives at the intended destination;

Whereas Commission Regulation (EEC) No 1777/93<sup>(13)</sup> should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A sale shall be organized of approximately :
  - 300 tonnes of bone-in beef held by the French intervention agency,
  - 1 000 tonnes of bone-in beef held by the Danish intervention agency,
  - 2 000 tonnes of boneless beef held by the Irish intervention agency,
  - 2 000 tonnes of boneless beef held by the United Kingdom intervention agency,
  - 1 000 tonnes of boneless beef held by the Danish intervention agency,
  - 500 tonnes of boneless beef held by the French intervention agency.

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

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

<sup>(3)</sup> OJ No L 192, 11. 7. 1992, p. 31.

<sup>(4)</sup> OJ No L 191, 31. 7. 1993, p. 94.

<sup>(5)</sup> OJ No L 179, 1. 7. 1992, p. 1.

<sup>(6)</sup> OJ No L 238, 23. 9. 1993, p. 24.

<sup>(7)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(8)</sup> OJ No L 180, 23. 7. 1993, p. 26.

<sup>(9)</sup> OJ No L 251, 5. 10. 1979, p. 12.

<sup>(10)</sup> OJ No L 161, 2. 7. 1993, p. 59.

<sup>(11)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(12)</sup> OJ No L 176, 20. 7. 1993, p. 12.

<sup>(13)</sup> OJ No L 162, 3. 7. 1993, p. 26.

2. This meat shall be sold for delivery to the Canary Islands.

3. The qualities and selling prices of the products are given in Annex I hereto.

#### Article 2

1. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2173/79, and in particular, Articles 2 to 5 thereof, and in accordance with the provisions of Regulation (EEC) No 3002/92.

2. The intervention agencies shall sell those products which have been in storage longest first.

Particulars of the quantities and places where the products are stored shall be made available to interested parties at the addresses given in Annex II.

#### Article 3

1. A purchase application shall only be valid when accompanied by an aid certificate covering at least the quantity concerned and issued pursuant to Regulations (EEC) No 1695/92 and (EEC) No 1912/92.

2. Notwithstanding Article 4 (1) of Regulation (EEC) No 1695/92, aid shall not be paid for intervention beef sold pursuant to this Regulation.

3. Notwithstanding Article 4 (4) (b) of Regulation (EEC) No 1695/92, in box 24 of the aid certificate application and of the aid certificate shall be entered: 'Aid certificate for use in the Canary Islands — no aid to be paid.'

4. Notwithstanding Article 6 (1) (b) of Regulation (EEC) No 1912/92, the security laid down for aid certificates shall be ECU 2 per 100 kilograms.

#### Article 4

Notwithstanding the second subparagraph of Article 2 (2) of Regulation (EEC) No 2173/79, purchase applications shall not indicate the store or stores where the meat applied for is being kept.

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

Done at Brussels, 20 October 1993.

#### Article 5

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

2. A security of ECU 2 500 per tonne of bone-in beef and of ECU 3 000 per tonne of boneless beef to guarantee delivery to the Canary Islands shall be lodged by the purchaser before taking over the meat concerned. The guarantee for fillets, however, shall be ECU 7 000 per tonne.

Delivery of the products concerned to the Canary Islands shall be a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85<sup>(1)</sup>.

#### Article 6

In the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92 and the T 5 control copy shall be entered:

• Carne de intervención destinada a las islas Canarias — Sin ayuda [Reglamento (CEE) n° 2874/93] »;

• Interventionskød til De Kanariske Øer — uden støtte (Forordning (EØF) nr. 2874/93) »;

• Interventionsfleisch für die Kanarischen Inseln — ohne Beihilfe (Verordnung (EWG) Nr. 2874/93) »;

• «Κρέας από την παρέμβαση για τις Καναρίους Νήσους — χωρίς ενισχύσεις [Κανονισμός (ΕΟΚ) αριθ. 2874/93] »;

• Intervention meat for the Canary Islands — without the payment of aid [Regulation (EEC) No 2874/93] »;

• Viandes d'intervention destinées aux îles Canaries — Sans aide [règlement (CEE) n° 2874/93] »;

• Carni in regime d'intervento destinate alle isole Canarie — senza aiuto [Regolamento (CEE) n. 2874/93] »;

• Interventievlies voor de Kanarische eilanden — zonder steun (Verordening (EEG) nr. 2874/93) »;

• Carne de intervenção destinada às ilhas Canárias — sem ajuda [Regulamento (CEE) n° 2874/93] ».

#### Article 7

Regulation (EEC) No 1777/93 is hereby repealed.

#### Article 8

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

For the Commission

René STEICHEN

Member of the Commission

<sup>(1)</sup> OJ No L 205, 3. 8. 1985, p. 5.

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

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lid-Staat<br>Estado-membro | Productos<br>Produkter<br>Erzeugnisse<br>Προϊόντα<br>Products<br>Produits<br>Prodotti<br>Produkten<br>Produtos | Cantidades (toneladas)<br>Mængde (tons)<br>Mengen (Tonnen)<br>Ποσότητες (τόνοι)<br>Quantities (tonnes)<br>Quantités (tonnes)<br>Quantità (tonnellate)<br>Hoeveelheid (ton)<br>Quantidade (toneladas) | Precio de venta expresado en ecus por tonelada<br>Salgspriser i ECU/ton<br>Verkaufspreise, ausgedrückt in ECU/Tonne<br>Τιμές πώλησεως εκφραζόμενες σε Ecu τόνο<br>Selling prices expressed in ecus per tonne<br>Prix de vente exprimés en écus par tonne<br>Prezzi di vendita espressi in ecu per tonnellata<br>Verkoopprijzen uitgedrukt in ecu per ton<br>Preço de venda expresso em ecus por tonelada |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ireland                                                                                                                                     | — Fillet<br>— Striploin<br>— Inside<br>— Outside<br>— Knuckle<br>— Cube-roll                                   | 300<br>1 000<br>200<br>200<br>100<br>200                                                                                                                                                             | 5 000<br>1 700<br>1 150<br>1 000<br>1 100<br>2 200                                                                                                                                                                                                                                                                                                                                                       |
| United Kingdom                                                                                                                              | — Fillet<br>— Striploin<br>— Topside<br>— Silverside<br>— Thick flank                                          | 700<br>700<br>200<br>200<br>200                                                                                                                                                                      | 3 700<br>1 200<br>850<br>850<br>850                                                                                                                                                                                                                                                                                                                                                                      |
| Danmark                                                                                                                                     | — Mørbrad<br>— Filet<br>— Inderlår<br>— Yderlår                                                                | 200<br>400<br>200<br>200                                                                                                                                                                             | 4 100<br>1 300<br>1 000<br>1 000                                                                                                                                                                                                                                                                                                                                                                         |
| France                                                                                                                                      | — Filet<br>— Faux-filet<br>— Quartiers arrière :<br>catégorie A/C, classes U, R et O                           | 250<br>250<br>300                                                                                                                                                                                    | 4 100<br>1 300<br>550                                                                                                                                                                                                                                                                                                                                                                                    |
| Danmark                                                                                                                                     | — Bagfjerdinger af<br>kategori A/C, klasse R og O                                                              | 1 000                                                                                                                                                                                                | 550                                                                                                                                                                                                                                                                                                                                                                                                      |

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

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

- IRELAND:** Department of Agriculture, Food and Forestry  
Agriculture House  
Kildare Street  
Dublin 2  
Tel. (01) 678 90 11, ext. 2278 and 3806  
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198
- DANMARK:** EF-Direktoratet  
Nyropsgade 26  
DK-1602 København K  
Tlf. 33 92 70 00, telex 15137 EFDIR DK, telefax 33 92 69 48
- UNITED KINGDOM:** Intervention Board for Agricultural Produce  
Fountain House  
2 Queens Walk  
Reading RG1 7QW  
Berkshire  
Tel. (0734) 58 36 26  
Telex 848 302, telefax (0734) 56 67 50
- FRANCE:** OFIVAL  
Tour Montparnasse  
33, avenue du Maine  
F-75755 Paris Cedex 15  
Tél. 45 38 84 00, télex 205476 F
-

## COMMISSION REGULATION (EEC) No 2875/93

of 20 October 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, and repealing Regulation (EEC) No 2626/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 125/93 <sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies <sup>(3)</sup>, as last amended by Regulation (EEC) No 1759/93 <sup>(4)</sup>, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging <sup>(5)</sup>, as amended by Regulation (EEC) No 251/93 <sup>(6)</sup>, has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas, as there are outlets in certain third countries for the products concerned, part of the meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector <sup>(7)</sup>, as last amended by Regulation (EEC) No 3662/92 <sup>(8)</sup>;

Whereas, in order to ensure that beef sold is exported, lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 3002/92 <sup>(9)</sup>, as last amended by Regulation (EEC) No 1938/93 <sup>(10)</sup>;

Whereas Commission Regulation (EEC) No 2626/93 <sup>(11)</sup> should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A sale shall be organized of approximately:
  - 7 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 January 1993,
  - 8 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in before 1 December 1992,
  - 1 500 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 April 1993,
  - 5 000 tonnes of boneless beef held by the French intervention agency and bought in before 1 June 1993.
2. This meat shall be for export.
3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 2824/85 and (EEC) No 3002/92.

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

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

<sup>(3)</sup> OJ No L 238, 6. 9. 1984, p. 13.

<sup>(4)</sup> OJ No L 161, 2. 7. 1993, p. 59.

<sup>(5)</sup> OJ No L 268, 10. 10. 1985, p. 14.

<sup>(6)</sup> OJ No L 28, 5. 2. 1993, p. 47.

<sup>(7)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(8)</sup> OJ No L 370, 19. 12. 1992, p. 43.

<sup>(9)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(10)</sup> OJ No L 176, 20. 7. 1993, p. 12.

<sup>(11)</sup> OJ No L 240, 25. 9. 1993, p. 15.

The provisions of Commission Regulation (EEC) No 985/81 <sup>(1)</sup> shall not apply to this sale.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 28 October 1993.

6. Particulars of the quantities and the places where the products are stored shall be available to interested parties at the addresses given in Annex II.

#### Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

#### Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 450 per 100 kilograms of boneless beef referred to under (a) in Annex I and ECU 230 per 100 kilograms of boneless beef referred to under (b) in Annex I.

#### Article 4

In the case of the meat referred to under 1 (b), 2 (b), 3 (b), and 4 (b) in Annex I no export refund shall be granted.

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

Done at Brussels, 20 October 1993.

#### Article 5

1. In the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration, and, where appropriate, the T5 control copy shall be entered:

Productos de intervención [Reglamento (CEE) n° 2875/93];

Interventionsprodukter [Forordning (EØF) nr. 2875/93];

Interventionserzeugnisse [Verordnung (EWG) Nr. 2875/93];

Προϊόντα παρεμβάσεως [κανονισμός (ΕΟΚ) αριθ. 2875/93];

Intervention products [Regulation (EEC) No 2875/93];

Produits d'intervention [Règlement (CEE) n° 2875/93];

Prodotti d'intervento [Regolamento (CEE) n. 2875/93];

Produkten uit interventievoorraden [Verordening (EEG) nr. 2875/93];

Produtos de intervenção [Reglamento (CEE) n° 2875/93];

2. With regard to the security provided for in Article 3 (2), compliance with the provisions of paragraph 1 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 <sup>(2)</sup>.

#### Article 6

Regulation (EEC) No 2626/93 is hereby repealed.

#### Article 7

This Regulation shall enter into force on 28 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 99, 10. 4. 1981, p. 38.

<sup>(2)</sup> OJ No L 205, 3. 8. 1985, p. 5.

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

**Precio mínimo expresado en ecus por tonelada<sup>(1)</sup> — Mindstepriser i ECU/ton<sup>(1)</sup> —  
Mindestpreise, ausgedrückt in ECU/Tonne<sup>(1)</sup> — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu  
ανά τόνο<sup>(1)</sup> — Minimum prices expressed in ECU per tonne<sup>(1)</sup> — Prix minimaux exprimés en  
écus par tonne<sup>(1)</sup> — Prezzi minimi espressi in ecu per tonnellata<sup>(1)</sup> — Minimumprijzen  
uitgedrukt in ecu per ton<sup>(1)</sup> — Preço mínimo expresso em ecus por tonelada<sup>(1)</sup>**

**1. IRELAND**

|               |       |
|---------------|-------|
| a) Fillets    | 6 150 |
| Striploins    | 2 850 |
| Insides       | 2 550 |
| Outsides      | 2 350 |
| Knuckles      | 2 400 |
| Rumps         | 2 250 |
| Cube-rolls    | 3 300 |
| b) Briskets   | 550   |
| Forequarters  | 900   |
| Shins/shanks  | 950   |
| Plates/flanks | 400   |

**2. UNITED KINGDOM**

|                     |       |
|---------------------|-------|
| a) Fillets          | 4 400 |
| Striploins          | 2 300 |
| Topsides            | 2 250 |
| Silversides         | 2 150 |
| Thick flanks        | 2 150 |
| Rumps               | 2 150 |
| b) Shins and shanks | 900   |
| Clod and sticking   | 900   |
| Ponies              | 900   |
| Thin flanks         | 300   |
| Forequarter flanks  | 300   |
| Briskets            | 400   |
| Foreribs            | 800   |

**3. DANMARK**

|                                    |       |
|------------------------------------|-------|
| a) Mørbrad med bimørbrad           | 5 400 |
| Filet med entrecôte og<br>tyndsteg | 2 550 |
| Inderlår med kappe                 | 2 350 |
| Tykstegsfilet med kappe            | 2 300 |
| Klump med kappe                    | 2 300 |
| Yderlår med lårtunge               | 2 250 |
| b) Bryst og slag                   | 700   |
| Øvrigt kød af forfjerdinger        | 1 200 |
| Skank og muskel                    | 1 000 |

**4. FRANCE**

|                  |       |
|------------------|-------|
| a) Filet         | 5 100 |
| Faux filet       | 2 400 |
| Tende de tranche | 2 550 |
| Tranche grasse   | 2 450 |
| Rumsteak         | 2 400 |
| Gîte à la noix   | 2 450 |
| Entrecôte        | 2 350 |
| b) Jarret        | 850   |
| Macreuse         | 900   |
| Boule de gîte    | 850   |
| Bavette          | 700   |

<sup>(1)</sup> Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

<sup>(1)</sup> Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

<sup>(1)</sup> Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

<sup>(1)</sup> Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

<sup>(1)</sup> These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

<sup>(1)</sup> Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

<sup>(1)</sup> Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

<sup>(1)</sup> Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

<sup>(1)</sup> Estes preços aplicam-se a peso líquido, conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.

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

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

- IRELAND:** Department of Agriculture, Food and Forestry  
Agriculture House  
Kildare Street  
Dublin 2  
Tel. (01) 678 90 11, ext. 2278 and 3806  
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198
- DANMARK:** EF-Direktoratet  
Nyropsgade 26  
DK-1602 København K  
Tlf. 33 92 70 00, telex 15137 EFDIR DK, telefax 33 92 69 48
- UNITED KINGDOM:** Intervention Board for Agricultural Produce  
Fountain House  
2 Queens Walk  
Reading RG1 7QW  
Berkshire  
Tel. (0734) 58 36 26  
Telex 848 302, telefax (0734) 56 67 50
- FRANCE:** OFIVAL  
Tour Montparnasse  
33, avenue du Maine  
F-75755 Paris Cedex 15  
Tél. 45 38 84 00, télex 205476 F
-

## COMMISSION REGULATION (EEC) No 2876/93

of 20 October 1993

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef  
held by certain intervention agencies

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

Having regard to Council Regulation (EEC) No 805/68 of  
27 June 1968 on the common organization of the market  
in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 125/93 <sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of  
5 September 1984 laying down detailed rules for certain  
sales of frozen beef held by the intervention agencies <sup>(3)</sup>,  
as last amended by Regulation (EEC) No 1759/93 <sup>(4)</sup>, has  
provided for the possibility of applying a two-stage proce-  
dure when selling beef from intervention stocks;

Whereas the application of intervention measures in  
respect of beef has created large stocks in several Member  
States; whereas, in order to prevent an excessive prolon-  
gation of storage, part of these stocks should be sold in  
accordance with Regulation (EEC) No 2539/84;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The sale shall take place of approximately 2 000  
tonnes of boneless beef held by the intervention agency  
of the United Kingdom, bought in before 1 January 1992.

Detailed information concerning quantities is given in  
Annex I.

2. The products referred to in paragraph 1 shall be sold  
in accordance with Regulation (EEC) No 2539/84 thereof,  
and this Regulation.

*Article 2*

1. The qualities and the minimum prices referred to in  
Article 3 (1) of Regulation (EEC) No 2539/84 are given in  
Annex I hereto.

2. Only those tenders shall be taken into consideration  
which reach the intervention agency concerned not later  
than 12 noon on 28 October 1993.

3. Particulars of the quantities and the places where the  
products are stored shall be available to interested parties  
at the address given in Annex II.

*Article 3*

The security provided for in Article 5 (1) of Regulation  
(EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

*Article 4*

This Regulation shall enter into force on the 28 October  
1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 238, 6. 9. 1984, p. 13.

<sup>(4)</sup> OJ No L 161, 2. 7. 1993, p. 59.

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

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lid-Staat<br>Estado-membro | Productos<br>Produkter<br>Erzeugnisse<br>Προϊόντα<br>Products<br>Produits<br>Prodotti<br>Produkten<br>Produtos | Cantidades (toneladas)<br>Mængde (tons)<br>Mengen (Tonnen)<br>Ποσότητες (τόνοι)<br>Quantities (tonnes)<br>Quantités (tonnes)<br>Quantità (tonnellate)<br>Hoeveelheid (ton)<br>Quantidade (toneladas) | Precio mínimo expresado en ecus por tonelada (¹)<br>Mindstepriser i ECU/ton (¹)<br>Mindestpreise, ausgedrückt in ECU/Tonne (¹)<br>Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu τόνο (¹)<br>Minimum prices expressed in ecus per tonne (¹)<br>Prix minimaux exprimés en écus par tonne (¹)<br>Prezzi minimi espressi in ecu per tonnellata (¹)<br>Minimumprijzen uitgedrukt in ecu per ton (¹)<br>Preço mínimo expresso em ecus por tonelada (¹) |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UNITED KINGDOM                                                                                                                              | — Fillets<br>— Striploins<br>— Topsides<br>— Silversides<br>— Thick flank<br>— Rumps<br>— Forerib              | 300<br>300<br>300<br>300<br>300<br>300<br>200                                                                                                                                                        | 6 000<br>4 000<br>3 000<br>2 800<br>2 400<br>3 000<br>1 700                                                                                                                                                                                                                                                                                                                                                                                     |

(¹) Estos precios se entenderán con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

(¹) Disse priser gælder i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(¹) Diese Preise gelten gemäß Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(¹) Οι τιμές αυτές εφαρμόζονται σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(¹) These prices shall apply in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(¹) Ces prix s'entendent conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

(¹) Il prezzo si intende in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(¹) Deze prijzen gelden overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(¹) Estes preços aplicam-se conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.

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

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

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

## COMMISSION REGULATION (EEC) No 2877/93

of 20 October 1993

determining the extent to which applications lodged in October 1993 for import licences for fresh, chilled or frozen beef under the import arrangements provided for in the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic (CSFR) can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 2697/93 of 30 September 1993 laying down detailed rules for the period 1 July 1993 to 30 June 1994 for the application of the import arrangements for fresh, chilled or frozen beef provided for in the Additional Protocols to the Interim Association Agreements between the Community and the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic<sup>(1)</sup>, and in particular Article 3 (4) thereof,

Whereas declarations have been submitted by both the Czech Republic and the Slovak Republic informing the Communities that both the Czech Republic and the Slovak Republic continue to assume all the obligations deriving, *inter alia*, from the Interim Agreement between the Community and the Czech and Slovak Federal Republic upon the dissolution of the latter on 31 December 1992 and in consequence the tariff quotas provided in the Interim Agreement should be made available without distinction to products originating in the Czech Republic or in the Slovak Republic;

Whereas Article 1 (1) and (2) of Regulation (EEC) No 2697/93 fixes the quantity of fresh, chilled and frozen beef originating in Poland, Hungary and the territory of the former CSFR which may be imported under special conditions in respect of the period 1 October to 31 December 1993; whereas the quantities covered by import licence applications are such that import

licences may be granted for the full quantities applied for;

Whereas Article 1 (3) of Regulation (EEC) No 2697/93 states that if during 1993 the quantities for which applications for import licences have been submitted for the first, second or third period specified in paragraph 2 of the Article are less than the quantities available, the remaining quantities are to be added to the quantities in respect of the second period, the quantities available for the four countries concerned for the third period running from 1 January to 31 March 1994 should accordingly be determined,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences shall be granted for the full quantities covered by applications submitted for the period 1 October to 31 December 1993 under the import arrangements referred to the Regulation (EEC) No 2697/93.
2. The quantities available for the period referred to in Article 1 (2) of Regulation (EEC) No 2697/93 running from 1 January to 31 March 1994 amount to:
  - 3 150,0 tonnes for meat originating in Poland,
  - 2 599,9 tonnes for meat originating in Hungary,
  - 1 726,1 tonnes for meat originating in the territory of the former CSFR.

*Article 2*

This Regulation shall enter into force on 25 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 245, 1. 10. 1993, p. 75.

**COMMISSION REGULATION (EEC) No 2878/93**  
**of 20 October 1993**  
**fixing the import levy on molasses**

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

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1693/93 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2807/93 <sup>(5)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1693/93 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

rate established during the reference period from 19 October 1993 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,51 per 100 kilograms.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC <sup>(6)</sup>.

*Article 2*

This Regulation shall enter into force on 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 10.

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

<sup>(4)</sup> OJ No L 159, 1. 7. 1993, p. 36.

<sup>(5)</sup> OJ No L 256, 14. 10. 1993, p. 10.

<sup>(6)</sup> OJ No L 263, 19. 9. 1991, p. 1.

**COMMISSION REGULATION (EEC) No 2879/93**

of 20 October 1993

**amending Regulation (EEC) No 2711/93 derogating, for a limited period, from the provisions for systematic adjustment of the agricultural conversion rates**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(1)</sup>, and in particular Article 11 (2) thereof,Whereas the situation which led to the application of the measures provided for by Commission Regulation (EEC) No 2711/93<sup>(2)</sup> until 20 October 1993 continues to exist after that date; whereas, therefore, application of the said Regulation should be extended for a further limited period,*Article 1*

In Article 1 of Regulation (EEC) No 2711/93, '20 October 1993' is hereby replaced by '20 November 1993'.

*Article 2*

This Regulation shall enter into force on 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*<sup>(1)</sup> OJ No L 387, 31. 12. 1992, p. 1.<sup>(2)</sup> OJ No L 245, 1. 10. 1993, p. 134.

**COMMISSION REGULATION (EEC) No 2880/93**  
**of 20 October 1993**  
**fixing the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76  
of 21 June 1976 on the common organization of the  
market in rice <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 1544/93 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

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

Whereas the import levies on rice and broken rice were  
fixed by Commission Regulation (EEC) No 2666/93 <sup>(5)</sup>, as  
last amended by Regulation (EEC) No 2792/93 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 October  
1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 245, 1. 10. 1993, p. 4.

<sup>(6)</sup> OJ No L 254, 12. 10. 1993, p. 8.

## ANNEX

to the Commission Regulation of 20 October 1993 fixing the import levies on rice and broken rice

(ECU/tonne)

| CN code    | Levies <sup>(*)</sup>                                           |                                                                                  |                                                   |
|------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------|
|            | Arrangement<br>in Regulation (EEC)<br>No 3877/86 <sup>(2)</sup> | ACP<br>Bangladesh<br><sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup> | Third countries<br>(except ACP)<br><sup>(5)</sup> |
| 1006 10 21 | —                                                               | 140,78                                                                           | 288,76                                            |
| 1006 10 23 | —                                                               | 144,23                                                                           | 295,67                                            |
| 1006 10 25 | —                                                               | 144,23                                                                           | 295,67                                            |
| 1006 10 27 | 221,75                                                          | 144,23                                                                           | 295,67                                            |
| 1006 10 92 | —                                                               | 140,78                                                                           | 288,76                                            |
| 1006 10 94 | —                                                               | 144,23                                                                           | 295,67                                            |
| 1006 10 96 | —                                                               | 144,23                                                                           | 295,67                                            |
| 1006 10 98 | 221,75                                                          | 144,23                                                                           | 295,67                                            |
| 1006 20 11 | —                                                               | 176,87                                                                           | 360,95                                            |
| 1006 20 13 | —                                                               | 181,19                                                                           | 369,59                                            |
| 1006 20 15 | —                                                               | 181,19                                                                           | 369,59                                            |
| 1006 20 17 | 277,19                                                          | 181,19                                                                           | 369,59                                            |
| 1006 20 92 | —                                                               | 176,87                                                                           | 360,95                                            |
| 1006 20 94 | —                                                               | 181,19                                                                           | 369,59                                            |
| 1006 20 96 | —                                                               | 181,19                                                                           | 369,59                                            |
| 1006 20 98 | 277,19                                                          | 181,19                                                                           | 369,59                                            |
| 1006 30 21 | —                                                               | 219,32                                                                           | 462,50                                            |
| 1006 30 23 | —                                                               | 276,98                                                                           | 577,74                                            |
| 1006 30 25 | —                                                               | 276,98                                                                           | 577,74                                            |
| 1006 30 27 | 433,31                                                          | 276,98                                                                           | 577,74                                            |
| 1006 30 42 | —                                                               | 219,32                                                                           | 462,50                                            |
| 1006 30 44 | —                                                               | 276,98                                                                           | 577,74                                            |
| 1006 30 46 | —                                                               | 276,98                                                                           | 577,74                                            |
| 1006 30 48 | 433,31                                                          | 276,98                                                                           | 577,74                                            |
| 1006 30 61 | —                                                               | 233,93                                                                           | 492,57                                            |
| 1006 30 63 | —                                                               | 297,32                                                                           | 619,34                                            |
| 1006 30 65 | —                                                               | 297,32                                                                           | 619,34                                            |
| 1006 30 67 | 464,51                                                          | 297,32                                                                           | 619,34                                            |
| 1006 30 92 | —                                                               | 233,93                                                                           | 492,57                                            |
| 1006 30 94 | —                                                               | 297,32                                                                           | 619,34                                            |
| 1006 30 96 | —                                                               | 297,32                                                                           | 619,34                                            |
| 1006 30 98 | 464,51                                                          | 297,32                                                                           | 619,34                                            |
| 1006 40 00 | —                                                               | 60,13                                                                            | 126,26                                            |

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

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

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

<sup>(4)</sup> The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

<sup>(5)</sup> The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

<sup>(6)</sup> No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

**COMMISSION REGULATION (EEC) No 2881/93**  
**of 20 October 1993**

**fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1544/93 <sup>(2)</sup>, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2667/93 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2793/93 <sup>(4)</sup>;

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,

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 5.

<sup>(3)</sup> OJ No L 245, 1. 10. 1993, p. 7.

<sup>(4)</sup> OJ No L 254, 12. 10. 1993, p. 10.

## ANNEX

to the Commission Regulation of 20 October 1993 fixing the premiums to be added to the import levies on rice and broken rice

| CN code    | (ECU / tonne) |                  |                  |                 |
|------------|---------------|------------------|------------------|-----------------|
|            | Current<br>10 | 1st period<br>11 | 2nd period<br>12 | 3rd period<br>1 |
| 1006 10 21 | 0             | 0                | 0                | —               |
| 1006 10 23 | 0             | 0                | 0                | —               |
| 1006 10 25 | 0             | 0                | 0                | —               |
| 1006 10 27 | 0             | 0                | 0                | —               |
| 1006 10 92 | 0             | 0                | 0                | —               |
| 1006 10 94 | 0             | 0                | 0                | —               |
| 1006 10 96 | 0             | 0                | 0                | —               |
| 1006 10 98 | 0             | 0                | 0                | —               |
| 1006 20 11 | 0             | 0                | 0                | —               |
| 1006 20 13 | 0             | 0                | 0                | —               |
| 1006 20 15 | 0             | 0                | 0                | —               |
| 1006 20 17 | 0             | 0                | 0                | —               |
| 1006 20 92 | 0             | 0                | 0                | —               |
| 1006 20 94 | 0             | 0                | 0                | —               |
| 1006 20 96 | 0             | 0                | 0                | —               |
| 1006 20 98 | 0             | 0                | 0                | —               |
| 1006 30 21 | 0             | 0                | 0                | —               |
| 1006 30 23 | 0             | 0                | 0                | —               |
| 1006 30 25 | 0             | 0                | 0                | —               |
| 1006 30 27 | 0             | 0                | 0                | —               |
| 1006 30 42 | 0             | 0                | 0                | —               |
| 1006 30 44 | 0             | 0                | 0                | —               |
| 1006 30 46 | 0             | 0                | 0                | —               |
| 1006 30 48 | 0             | 0                | 0                | —               |
| 1006 30 61 | 0             | 0                | 0                | —               |
| 1006 30 63 | 0             | 0                | 0                | —               |
| 1006 30 65 | 0             | 0                | 0                | —               |
| 1006 30 67 | 0             | 0                | 0                | —               |
| 1006 30 92 | 0             | 0                | 0                | —               |
| 1006 30 94 | 0             | 0                | 0                | —               |
| 1006 30 96 | 0             | 0                | 0                | —               |
| 1006 30 98 | 0             | 0                | 0                | —               |
| 1006 40 00 | 0             | 0                | 0                | 0               |

## COMMISSION REGULATION (EEC) No 2882/93

of 20 October 1993

altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1548/93<sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2804/93<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2804/93 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;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(4)</sup> are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies;

whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(5)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2804/93, are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 10.

<sup>(3)</sup> OJ No L 256, 14. 10. 1993, p. 5.

<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 108, 1. 5. 1993, p. 106.

## ANNEX

to the Commission Regulation of 20 October 1993 altering the export refunds on white sugar and raw sugar exported in the natural state

| Product code   | Amount of refund <sup>(2)</sup> |
|----------------|---------------------------------|
|                | — ECU/100 kg —                  |
| 1701 11 90 100 | 35,03 <sup>(1)</sup>            |
| 1701 11 90 910 | 32,36 <sup>(1)</sup>            |
| 1701 11 90 950 | <sup>(2)</sup>                  |
| 1701 12 90 100 | 35,03 <sup>(1)</sup>            |
| 1701 12 90 910 | 32,36 <sup>(1)</sup>            |
| 1701 12 90 950 | <sup>(2)</sup>                  |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 91 00 000 | 0,3808                          |
|                | — ECU/100 kg —                  |
| 1701 99 10 100 | 38,08                           |
| 1701 99 10 910 | 37,54                           |
| 1701 99 10 950 | 37,54                           |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 99 90 100 | 0,3808                          |

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

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

<sup>(3)</sup> Refunds 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 2883/93

of 20 October 1993

fixing the maximum export refund for white sugar for the 21st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1548/93<sup>(2)</sup>, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup> requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1144/93, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 21st partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93<sup>(4)</sup> 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 Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 21st partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 40,104 per 100 kilograms.
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.

*Article 2*

This Regulation shall enter into force on 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 154, 25. 6. 1993, p. 10.

<sup>(3)</sup> OJ No L 116, 12. 5. 1993, p. 5.

<sup>(4)</sup> OJ No L 102, 28. 4. 1993, p. 14.

## COMMISSION REGULATION (EEC) No 2884/93

of 20 October 1993

amending Regulation (EEC) No 891/89 on special detailed rules for the application of the system of import and export licences for cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93 <sup>(2)</sup>, and in particular Articles 9 (2) and 13 (6) thereof,

Whereas Commission Regulation (EEC) No 891/89 of 5 April 1989 on special rules for the application of the system of import and export licences for cereals and rice <sup>(3)</sup>, as last amended by Regulation (EEC) 2565/93 <sup>(4)</sup>, introduced a period of reflection of three days before the actual issue of export licences with advance fixing of the refund for cereal-based compound feedingstuffs; whereas the purpose of this time limit was to prevent licences being issued for excessive quantities; whereas this risk also exists for exports of malt; whereas, as a result, this measure should be extended again to that product; whereas, consequently, Regulation (EEC) No 891/89 should be amended; whereas the impact of this amendment should be restricted to applications for export licences submitted prior to 1 January 1994;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following is hereby added to Article 9 (3) of Regulation (EEC) No 891/89:

'The previous paragraph shall also apply to export licences for products falling within CN codes ex 1107 10 and ex 1107 20 where the applications for licences are submitted prior to 1 January 1994.'

*Article 2*

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

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 94, 7. 4. 1989, p. 13.

<sup>(4)</sup> OJ No L 235, 18. 9. 1993, p. 23.

**COMMISSION REGULATION (EEC) No 2885/93****of 20 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<sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93<sup>(2)</sup>, 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<sup>(3)</sup>,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93<sup>(4)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 19

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 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

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

<sup>(4)</sup> OJ No L 245, 1. 10. 1993, p. 108.

## ANNEX

to the Commission Regulation of 20 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Third countries <sup>(8)</sup>      |
|------------|-------------------------------------|
| 0709 90 60 | 92,03 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 92,03 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 00 | 68,10 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 85,00                               |
| 1001 90 99 | 85,00 <sup>(9)</sup>                |
| 1002 00 00 | 112,74 <sup>(6)</sup>               |
| 1003 00 10 | 120,43                              |
| 1003 00 20 | 120,43                              |
| 1003 00 80 | 120,43 <sup>(9)</sup>               |
| 1004 00 00 | 91,02                               |
| 1005 10 90 | 92,03 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 92,03 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 100,35 <sup>(4)</sup>               |
| 1008 10 00 | 19,73 <sup>(9)</sup>                |
| 1008 20 00 | 27,03 <sup>(4)</sup>                |
| 1008 30 00 | 25,60 <sup>(9)</sup>                |
| 1008 90 10 | <sup>(7)</sup>                      |
| 1008 90 90 | 25,60                               |
| 1101 00 00 | 155,49 <sup>(9)</sup>               |
| 1102 10 00 | 196,02                              |
| 1103 11 30 | 139,34                              |
| 1103 11 50 | 139,34                              |
| 1103 11 90 | 178,32                              |
| 1107 10 11 | 162,18                              |
| 1107 10 19 | 123,93                              |
| 1107 10 91 | 225,25 <sup>(10)</sup>              |
| 1107 10 99 | 171,05 <sup>(9)</sup>               |
| 1107 20 00 | 197,55 <sup>(10)</sup>              |

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

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

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

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

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

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

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

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

<sup>(9)</sup> Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

<sup>(10)</sup> 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 2886/93

of 20 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 <sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93 <sup>(2)</sup>, 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 <sup>(3)</sup>,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 <sup>(4)</sup> and subsequent amending Regulations ;

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

rate established during the reference period from 19 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 21 October 1993.

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

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

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

<sup>(4)</sup> OJ No L 159, 1. 7. 1993, p. 11.

## ANNEX

to the Commission Regulation of 20 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

| CN code    | Current<br>10 | 1st period<br>11 | 2nd period<br>12 | 3rd period<br>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                | 7,56            |
| 1001 90 99 | 0             | 0                | 0                | 7,56            |
| 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                | 9,30            |
| 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

(ECU/tonne)

| CN code    | Current<br>10 | 1st period<br>11 | 2nd period<br>12 | 3rd period<br>1 | 4th period<br>2 |
|------------|---------------|------------------|------------------|-----------------|-----------------|
| 1107 10 11 | 0             | 0                | 0                | 13,46           | 13,46           |
| 1107 10 19 | 0             | 0                | 0                | 10,05           | 10,05           |
| 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 18 October 1993

accepting an undertaking in connection with the anti-dumping proceeding concerning imports of certain types of electronic micro-circuits known as Eproms (erasable programmable read only memories) originating in Japan

(93/538/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultations within the Advisory Committee as provided for by the above Regulation (EEC) No 2423/88,

Whereas :

**I. Previous investigation**

- (1) The Council, by Regulation (EEC) No 577/91<sup>(2)</sup>, imposed a definitive anti-dumping duty on imports of certain types of electronic micro-circuits known as Eproms (erasable programmable read only memories) originating in Japan, and the Commission, by Decision 91/131/EEC<sup>(3)</sup>, accepted undertakings offered by certain producing companies in connection with that anti-dumping proceeding.
- (2) The undertakings have the effect of ensuring that those producers' Eprom sales prices in the Community do not fall below a certain level which

is considered adequate to eliminate to a satisfactory extent the material injury which was caused to the complainant companies by dumped imports of Japanese origin. The prices are adjusted quarterly on the basis of a formula contained in the undertakings and the production costs of all producing companies from which undertakings have been accepted.

**II. Product concerned by the proceeding**

- (3) The review investigation covered Eproms as defined in Regulation (EEC) No 577/91.

**III. Review investigation**

- (4) In July 1992 the Commission, in accordance with Article 14 of Regulation (EEC) No 2423/88 initiated<sup>(4)</sup> a partial review of Regulation (EEC) No 577/91 with regard to Eproms produced in Japan under an agreement between Intel Corporation (hereinafter 'Intel') and Nippon Steel Semiconductor (hereinafter 'NPNX')<sup>(5)</sup> after the companies had provided sufficient evidence that they qualified for the newcomer status.

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

<sup>(2)</sup> OJ No L 65, 12. 3. 1991, p. 1.

<sup>(3)</sup> OJ No L 65, 12. 3. 1991, p. 42.

<sup>(4)</sup> OJ No C 181, 17. 7. 1992, p. 7.

<sup>(5)</sup> Intel initially concluded its subcontracting agreement with NMB Semiconductor Co., Ltd, but this company was renamed NPNX after it was taken over in March 1993 by Nippon Steel Corporation, Tokyo, Japan. The agreement with Intel has not been altered by these changes.

- (5) In the investigation the Commission sought and verified all information it deemed to be necessary for the purposes of this proceeding and carried out an investigation at the premises of the following company in Japan :

— NPNX, Tateyama.

#### IV. Results of the investigation

- (6) The investigation showed that Intel and NPNX had concluded their agreement in March 1991 and started commercial production of Eproms in Japan on the basis of that agreement in the first half of 1993, i.e. after the initial period of investigation (from 1 April 1986 to 31 March 1987). It was furthermore established that, under the agreement between Intel and NPNX, the latter's total output was sold to Intel and that Intel had full control of the output of the product concerned.
- (7) In addition, the investigation revealed that Intel had not exported any of the Eproms produced under its agreement with NPNX to the Community during the period of investigation in the present review but had the firm intention of doing so once the undertaking it offered to the Commission was accepted.
- (8) During the investigation in the present review, Intel informed the Commission that it had concluded an agreement, similar to the agreement between Intel and NPNX, with Sharp Corporation, Japan ('Sharp'). The agreement had been concluded after Intel had submitted its request for review. Sharp is one of the companies from which undertakings in the initial proceeding had been accepted.

Intel submitted detailed information on that agreement, showing that the agreement between Intel and Sharp is similar to the agreement between Intel and NPNX in its provisions concerning technology transfer, control of production and marketing of the product concerned.

- (9) Given the nature of the production agreements concluded with NPNX and Sharp, the Commission concluded that Intel could be considered the producer of the products concerned.
- (10) With respect to the normal value of Intel's products, it was established, by applying, during the period of investigation, the same methodology as for the other Japanese producers, that it was not lower than the undertaking price.

- (11) No new investigation was carried out as regards injury since it was neither requested nor considered appropriate.

#### V. Undertakings

- (12) On the basis of the results of the investigation, it is considered appropriate that the offer of an undertaking by Intel along the lines of that of the other Japanese producers should be accepted by the Commission. Indeed, any other decision could be considered discriminatory for either Intel or the other Japanese producers.
- (13) The complainants and Intel were informed of the essential facts and considerations, in particular those concerning the calculation of normal value, on the basis of which the Commission intended to accept the undertaking offered by Intel, and they were given every opportunity to comment.
- (14) No comment was received in this respect.
- (15) Should the undertaking be withdrawn by the producer concerned or should the Commission have reason to believe it has been violated, the Commission could, pursuant to Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation carried out in the framework of the proceeding. Subsequently, a definitive duty could also be imposed by the Council on the basis of the information gathered during the investigation.
- (16) The Advisory Committee was consulted on the acceptance of the undertaking offered; no objections were raised.
- (17) Since the present review relates only to the circumstances of one producer in Japan, the measures contained in Regulation (EEC) No 577/91 referred to above are not being amended or confirmed within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88, and consequently the date on which they were due to expire pursuant to that provision remains unchanged,

HAS DECIDED AS FOLLOWS:

#### *Sole Article*

The undertaking offered by Intel Corporation in connection with the anti-dumping proceeding concerning imports of certain types of electronic micro-circuits known as Eproms (erasable programmable read only memories) originating in Japan, is hereby accepted.

This acceptance shall take effect on the date of entry into force of Council Regulation (EEC) No 2860/93 <sup>(1)</sup>.

Done at Brussels, 18 October 1993.

*For the Commission*

Leon BRITTAN

*Vice-President*

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

## COMMISSION DECISION

of 20 October 1993

concerning certain protection measures relating to classical swine fever in  
Germany and repealing Decision 93/364/EEC

(93/539/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(1)</sup>, as last amended by Directive 92/118/EEC<sup>(2)</sup>, and in particular Article 10 (4) thereof,

Whereas, as a result of outbreaks of classical swine fever in different parts of Germany, the Commission adopted Decision 93/384/EEC of 18 June 1993 concerning certain protection measures relating to classical swine fever in Germany<sup>(3)</sup>, as amended by Decision 93/497/EEC<sup>(4)</sup>;

Whereas classical swine fever has been diagnosed in pigs sent from Germany to Belgium;

Whereas the classical swine fever situation in Germany is liable to present a serious threat to the herds of Member States in view of trade in live pigs, fresh meat and certain meat-based pork products;

Whereas certain temporary protection measures specific to the situation in Germany must be adopted;

Whereas it is necessary to further examine the ways in which to improve the measures against swine fevers, in particular measures concerning the identification and movement of animals;

Whereas the protection measures introduced by Decision 93/364/EEC, in the interest of clarity, must be repealed;

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

*Article 1*

Pending a subsequent Commission decision, Germany shall not send to other Member States live animals of the porcine species coming from its territory.

*Article 2*

1. Pending a subsequent Commission decision, Germany shall not send to other Member States fresh pigmeat and pigmeat products obtained from pigs coming from holdings situated on its territory.

2. The restrictions described in paragraph 1 shall not apply to meat products which have undergone one of the treatments laid down in Article 4 (1) of Council Directive 80/215/EEC of 22 January 1980 on health problems affecting intra-Community trade in meat products<sup>(5)</sup>.

3. Meat products produced in accordance with the provisions of paragraph 2 and consigned from Germany shall be accompanied by a health certificate referred to in Article 3 (9) (b) (ii) of Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products<sup>(6)</sup>. The certificate shall bear the following words:

'Products conforming to Commission Decision 93/539/EEC of 20 October 1993 concerning certain protection measures relating to classical swine fever in Germany.'

*Article 3*

The Commission will follow developments in the situation and may amend this Decision in the light of such developments.

*Article 4*

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

<sup>(1)</sup> OJ No L 224, 18. 8. 1990, p. 29.

<sup>(2)</sup> OJ No L 62, 15. 3. 1993, p. 49.

<sup>(3)</sup> OJ No L 150, 22. 6. 1993, p. 47.

<sup>(4)</sup> OJ No L 233, 16. 9. 1993, p. 15.

<sup>(5)</sup> OJ No L 47, 21. 2. 1980, p. 4.

<sup>(6)</sup> OJ No L 26, 31. 1. 1977, p. 85.

*Article 5*

Decision 93/364/EEC is hereby repealed.

*Article 6*

This Decision is applicable until 29 October 1993.

*Article 7*

The Decision is addressed to the Member States.

Done at Brussels, 20 October 1993.

*For the Commission*

René STEICHEN

*Member of the Commission*

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