

Official Journal

of the European Communities

ISSN 0378-6978

L 47

Volume 34

20 February 1991

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 392/91 of 19 February 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 393/91 of 19 February 1991 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 394/91 of 19 February 1991 fixing the time limit for the submission of applications for private storage aid in respect of pigmeat	5
Commission Regulation (EEC) No 395/91 of 19 February 1991 fixing the import levies on white sugar and raw sugar	6

II *Acts whose publication is not obligatory*

Commission

91/80/EEC :

- * Commission Decision of 4 February 1991 concerning the application for the reimbursement of anti-dumping duties imposed on imports of dense sodium carbonate originating in the United States of America (Verrerie Cristallerie d'Arques — J. G. Durand et Cie) 8

Corrigenda

- * Corrigendum to Commission Regulation (EEC) No 189/91 of 25 January 1991 laying down special measures derogating from Regulation (EEC) No 3665/87 in the beef and veal sector (OJ No L 20 of 26.1.1991) 10
- * Corrigendum to Commission Decision 90/634/EEC of 28 March 1990 concerning financial measures taken by the United Kingdom in respect of the coal industry in the 1987/88, 1988/89 and 1989/90 financial years (OJ No L 346 of 11.12.1990) 11

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 392/91

of 19 February 1991

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 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 322/91⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 February 1991;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 322/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February 1991.

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

Done at Brussels, 19 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 38, 12. 2. 1991, p. 1.

ANNEX

to the Commission Regulation of 19 February 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	141,93 ⁽²⁾ ⁽³⁾
0712 90 19	141,93 ⁽²⁾ ⁽³⁾
1001 10 10	202,37 ⁽¹⁾ ⁽²⁾
1001 10 90	202,37 ⁽¹⁾ ⁽²⁾
1001 90 91	194,42
1001 90 99	194,42
1002 00 00	159,37 ⁽⁴⁾
1003 00 10	164,49
1003 00 90	164,49
1004 00 10	149,12
1004 00 90	149,12
1005 10 90	141,93 ⁽²⁾ ⁽³⁾
1005 90 00	141,93 ⁽²⁾ ⁽³⁾
1007 00 90	151,16 ⁽⁴⁾
1008 10 00	68,00
1008 20 00	137,25 ⁽⁴⁾
1008 30 00	77,21 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	77,21
1101 00 00	286,38 ⁽⁸⁾
1102 10 00	237,76 ⁽⁸⁾
1103 11 10	326,38 ⁽⁸⁾
1103 11 90	308,02 ⁽⁸⁾

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

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

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

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

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

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

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

COMMISSION REGULATION (EEC) No 393/91

of 19 February 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 February 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February 1991.

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

Done at Brussels, 19 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 19 February 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	2,92
0712 90 19	0	0	0	2,92
1001 10 10	0	0	0	1,60
1001 10 90	0	0	0	1,60
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	2,92
1005 90 00	0	0	0	2,92
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 394/91**of 19 February 1991****fixing the time limit for the submission of applications for private storage aid in respect of pigmeat**

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 4 (6) thereof,

Whereas private storage aid granted pursuant to Commission Regulation (EEC) No 3792/90 of 21 December 1990 on special conditions for the granting of private storage aid for pigmeat⁽³⁾, as amended by Regulation (EEC) No 128/91⁽⁴⁾, has had a favourable effect on the pigmeat market; whereas an actual stabilization of prices is expected; whereas the granting of private storage aid for pigmeat should therefore be suspended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The time limit for the submission of applications for private storage aid for pigmeat shall be 22 February 1991.

Article 2

This Regulation shall enter into force on 20 February 1991.

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

Done at Brussels, 19 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 365, 28. 12. 1990, p. 5.

⁽⁴⁾ OJ No L 14, 19. 1. 1991, p. 29.

COMMISSION REGULATION (EEC) No 395/91

of 19 February 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 305/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 390/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 February 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February 1991.

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

Done at Brussels, 19 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 45, 19. 2. 1991, p. 20.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 19 February 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	41,57 ⁽¹⁾
1701 11 90	41,57 ⁽¹⁾
1701 12 10	41,57 ⁽¹⁾
1701 12 90	41,57 ⁽¹⁾
1701 91 00	45,95
1701 99 10	45,95
1701 99 90	45,95 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 February 1991

concerning the application for the reimbursement of anti-dumping duties imposed on imports of dense sodium carbonate originating in the United States of America

(Verrerie Cristallerie d'Arques — J. G. Durand et Cie)

(Only the French text is authentic)

(91/80/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. PROCEDURE

- (1) In Regulation (EEC) No 550/83⁽²⁾, amended by Regulation (EEC) No 3337/84⁽³⁾, the Council imposed a definitive anti-dumping duty on imports of dense sodium carbonate originating in the United States of America.
- (2) In 1988 certain American producers and/or exporters together with the Standing Committee of Glass Industries of the European Economic Community applied to the Commission for a review of the abovementioned measures. Following the review, the Commission, by Decision 90/507/EEC⁽⁴⁾, terminated the review without imposing further anti-dumping measures.

- (3) In June 1988 Verrerie Cristallerie d'Arques, J. G. Durand et Cie, an importer of dense sodium carbonate originating in the United States of America, acting through the French authorities, submitted an application for the reimbursement of the anti-dumping duties paid at the beginning of May 1988 on imports of dense sodium carbonate exported by the American Company, Kerr McGee Corporation, to the value of FF [...] ⁽⁵⁾.

- (4) With the agreement of the applicant, and in accordance with point 5 of the Commission notice concerning the reimbursement of anti-dumping duties ⁽⁶⁾, the procedure was suspended.

As Kerr McGee had not exported any dense sodium carbonate during the investigation period covered by the original anti-dumping procedure, the method of calculating the dumping margin of this exporter, applied at the time of the review, could be used to establish its actual dumping margin.

- (5) Following publication of the outcome of the review procedure, during which the exporter had the opportunity to put forward observations, the appli-

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 64, 10. 3. 1983, p. 23.

⁽³⁾ OJ No L 311, 29. 11. 1984, p. 26.

⁽⁴⁾ OJ No L 283, 16. 10. 1990, p. 38.

⁽⁵⁾ Since this Decision is to be published, certain figures have been left out in accordance with the provision on confidential business information set out in Article 8 of Regulation (EEC) No 2423/88.

⁽⁶⁾ OJ No C 266, 22. 10. 1986, p. 2.

cant firm was informed of the Commission's conclusions regarding the request for reimbursement and was given the opportunity to put forward its point of view.

- (6) In accordance with Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the other Member States and gave its opinion on the admissibility and merits of the applications. There were no objections from any Member States.

B. ADMISSIBILITY

- (7) The application is admissible as it was made in accordance with Community anti-dumping law, in particular the provisions on deadlines.

C. EXAMINATION OF THE MERITS OF THE APPLICATION

- (8) The application is found to be partially justified. It was established during the review procedure that there was an actual dumping margin of 11,9 % which was significantly below the duty paid. Consequently, in accordance with the provisions of Article 16 of Regulation (EEC) No 2423/88, the applicant has a right to be reimbursed that part of the anti-dumping duty which it paid in excess of the actual dumping margin.

D. AMOUNT TO BE REPAYED

- (9) Consequently, the anti-dumping duty due on the basis of the actual dumping margin has been deducted from the amount of duty paid. The appli-

cant is therefore entitled to a reimbursement of FF [...].

HAS ADOPTED THIS DECISION:

Article 1

The application for the reimbursement of an anti-dumping duty submitted in June 1988 by Verrerie Cristallerie d'Arques, J. G. Durand et Cie, is hereby granted in the sum of FF [...]. The application for the amount exceeding this sum is rejected.

Article 2

The sum indicated in Article 1 shall be reimbursed by France.

Article 3

This Decision is addressed to the French Republic and Verrerie Cristallerie d'Arques, J. G. Durand et Cie, Arques, France.

Done at Brussels, 4 February 1991.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 189/91 of 25 January 1991 laying down special measures derogating from Regulation (EEC) No 3665/87 in the beef and veal sector

(Official Journal of the European Communities No L 20 of 26 January 1991)

On page 28 in Article 1 (2) (a), second and third line:

for: '... of the country of destination or where the date of application ...',

read: '... of the country of destination and where the date of application ...'.

On page 29 in Article 2, fourth line of the second indent:

for: '... products shall be considered as no longer under the customs procedure ...',

read: '... products shall be considered as still covered by the customs procedure ...'.

Corrigendum to Commission Decision 90/634/EEC of 28 March 1990 concerning financial measures taken by the United Kingdom in respect of the coal industry in the 1987/88, 1988/89 and 1989/90 financial years

(Official Journal of the European Communities No L 346 of 11 December 1990, page 22)

Section I:

- third paragraph, third indent, last line:

for: '1989/9',
read: '1989/90';

- third paragraph, fourth indent, first line:

for: 'aid totalling £ 200 million ...',
read: 'aid totalling £ 2 000 million ...';

- fourth paragraph, sixth line:

for: '... with the proper fluctioning ...',
read: '... with the proper functioning ...'.

Section III:

- first paragraph, ninth line:

for: '... compensation to be paid subsequently from loss of ...',
read: '... compensation to be paid subsequently in respect of loss of ...';

- second paragraph, fourth line:

for: '... cover potential compensation claims resulting from loss of ...',
read: '... cover potential compensation claims in respect of loss of ...';

- second paragraph, sixth line:

for: '... more than 30 years ...',
read: '... more than 20 years ...';

- fifth paragraph, second line:

for: '... facilities the establishment ...',
read: '... facilitates the establishment ...'.

Section IV:

- second paragraph, second line:

for: '... totalling £ 200 million ...',
read: '... totalling £ 2 000 million ...';

- second paragraph, fifth line, after 'supplies', to read:

'... for the period prior to 31 March 1990, to which beneficiaries who have left the industry are entitled or to which they will become entitled on leaving it';

- third paragraph, first indent, first line:

for: 'aid totalling £ 300 million ...',
read: 'aid totalling £ 1 300 million ...';

- third paragraph, first indent, second line:

for: '... in respect of 200 000 beneficiaries ...',
read: '... in respect of 220 000 beneficiaries ...';

- fifth paragraph, second line:

for: '... facilities the establishment ...',
read: '... facilitates the establishment ...'.

Section VI, Article 2, third line:

for: '... the uncovered difference ...',
read: '... the non-covered difference ...'.
