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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 728/91
of 21 March 1991
amending Regulation (EEC) No 1514/76 on imports of olive oil originating in
Algeria

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 Article 16 of, and Annex B to, the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria⁽¹⁾ stipulate that if Algeria levies a special export charge on imports into the Community of olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10, the levy applicable to such oil is to be reduced by a fixed amount of ECU 0,60 per 100 kilograms and by an amount equal to the special charge, but not exceeding ECU 12,09 per 100 kilograms in the case of the reduction provided for in the aforementioned Article and ECU 12,09 per 100 kilograms in the case of the additional amount provided for in the aforementioned Annex B;

Whereas the aforementioned Agreement was implemented by Regulation (EEC) No 1514/76⁽²⁾, as last amended by Regulation (EEC) No 4014/88⁽³⁾;

Whereas the Contracting Parties have agreed, by exchange of letters, to fix the additional amount at ECU 12,09 per

100 kilograms for the period from 1 November 1987 to 31 December 1991;

Whereas Regulation (EEC) No 1514/76 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (b) of Regulation (EEC) No 1514/76 is hereby replaced by the following:

'(b) an amount equal to the special charge levied by Algeria on exports of the said oil but not exceeding ECU 12,09 per 100 kilograms, this amount being increased from 1 November 1987 to 31 December 1991 by ECU 12,09 per 100 kilograms'.

Article 2

This Regulation shall enter into force on the 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 Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ No L 263, 27. 9. 1978, p. 2.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽³⁾ OJ No L 358, 27. 12. 1988, p. 1.

COUNCIL REGULATION (EEC) No 729/91

of 21 March 1991

amending Regulation (EEC) No 1521/76 on imports of olive oil originating in Morocco

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 Article 17 of, and Annex B to, the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco⁽¹⁾ stipulate that, if the country in question levies a special export charge on imports into the Community of olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10, the levy applicable to such oil is to be reduced by a fixed amount of ECU 0,60 per 100 kilograms and by an amount equal to the special charge, but not exceeding ECU 12,09 per 100 kilograms in the case of reduction provided for in the aforementioned Article and ECU 12,09 per 100 kilograms in the case of the additional amount provided for in the aforementioned Annex B;

Whereas the aforementioned Agreement was implemented by Regulation (EEC) No 1521/76⁽²⁾, as last amended by Regulation (EEC) No 4015/88⁽³⁾;

Whereas the Contracting Parties have agreed, by exchange of letters, to fix the additional amount at ECU 12,09 per

100 kilograms for the period from 1 November 1987 to 31 December 1991;

Whereas Regulation (EEC) No 1521/76 should accordingly be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (b) of Regulation (EEC) No 1521/76 shall be replaced by the following:

'(b) an amount equal to the special charge levied by Morocco on exports of the said oil but not exceeding ECU 12,09 per 100 kilograms, this amount being increased for the period from 1 November 1987 to 31 December 1991 by ECU 12,09 per 100 kilograms'.

Article 2

This Regulation shall enter into force on the 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 Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ No L 264, 27. 9. 1978, p. 2.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽³⁾ OJ No L 358, 27. 12. 1988, p. 2.

COUNCIL REGULATION (EEC) No 730/91

of 21 March 1991

amending Regulation (EEC) No 1180/77 on imports into the Community of certain agricultural products originating in Turkey

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 Annex IV to Council Decision No 1/77 of the EEC-Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community stipulates that the additional amount, if any, to be deducted from the levy on imports into the Community of untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Turkey, is to be fixed for each year of application by an Exchange of Letters between the Community and Turkey;

Whereas Regulation (EEC) No 1180/77⁽¹⁾, as last amended by Regulation (EEC) No 4016/88⁽²⁾, implemented the abovementioned Decision, in particular as regards olive oil;

Whereas the Contracting Parties have agreed, by an exchange of letters, to fix the additional amount in question at ECU 10,88 per 100 kilograms for the period from 1 November 1987 to 31 December 1991;

Whereas Article 9 of Regulation (EEC) No 1180/77 should accordingly be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 9 (1) (b) of Regulation (EEC) No 1180/77 is hereby replaced by the following:

- '(b) an amount equal to the special export charge imposed by Turkey on such oil within a limit of ECU 10,88 per 100 kilograms, that amount being increased from 1 November 1987 to 31 December 1991 by ECU 10,88 per 100 kilograms'.

Article 2

This Regulation shall enter into force on the 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 Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽²⁾ OJ No L 358, 27. 12. 1988, p. 3.

COMMISSION REGULATION (EEC) No 731/91

of 26 March 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 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 533/91⁽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 25 March 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 533/91 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 27 March 1991.

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

Done at Brussels, 26 March 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 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 26 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	130,11 ⁽²⁾ ⁽³⁾
0712 90 19	130,11 ⁽²⁾ ⁽³⁾
1001 10 10	195,73 ⁽¹⁾ ⁽²⁾
1001 10 90	195,73 ⁽¹⁾ ⁽²⁾
1001 90 91	174,24
1001 90 99	174,24
1002 00 00	153,44 ⁽⁶⁾
1003 00 10	148,47
1003 00 90	148,47
1004 00 10	141,53
1004 00 90	141,53
1005 10 90	130,11 ⁽²⁾ ⁽³⁾
1005 90 00	130,11 ⁽²⁾ ⁽³⁾
1007 00 90	141,72 ⁽⁴⁾
1008 10 00	51,51
1008 20 00	135,68 ⁽⁴⁾
1008 30 00	61,10 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	61,10
1101 00 00	258,30 ⁽⁸⁾
1102 10 00	229,18 ⁽⁸⁾
1103 11 10	316,09 ⁽⁸⁾
1103 11 90	277,51 ⁽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 732/91

of 26 March 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 25 March 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 27 March 1991.

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

Done at Brussels, 26 March 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 26 March 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	5,24	5,24	6,09
0712 90 19	0	5,24	5,24	6,09
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	5,24	5,24	6,09
1005 90 00	0	5,24	5,24	6,09
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

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 733/91
of 26 March 1991
fixing production refunds on 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 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 11a ⁽⁵⁾ thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽³⁾, as last amended by Regulation (EEC) No 3655/90 ⁽⁴⁾ and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EEC) No 3056/90 ⁽⁶⁾, provides that the production refund is to be fixed on the first day of each month; Whereas the provisions of that Regulation, in the light of the present situation of the market, result in the production refund being fixed at the level laid down in this Regulation;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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 production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 149,28 per tonne.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 26 March 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 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 362, 27. 12. 1990, p. 33.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 294, 25. 10. 1990, p. 13.

COMMISSION REGULATION (EEC) No 734/91**of 26 March 1991****altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3641/90 ⁽²⁾, and in particular Article 17 ⁽⁵⁾ thereof,

Whereas Commission Regulation (EEC) No 501/91 ⁽³⁾ has fixed the rates of the refunds applicable from March 1991 1990 to certain dairy products exported in the form of goods not covered by Annex II to the Treaty;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 501/91 to the informa-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 March 1991.

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

Done at Brussels, 26 March 1991.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽³⁾ OJ No L 55, 1. 3. 1991, p. 71.

ANNEX

to the Commission Regulation of 26 March 1991 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 70,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	57,00 115,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	16,40 176,00 170,00

COMMISSION REGULATION (EEC) No 735/91

of 19 March 1991

determining for the period 1 March to 30 June 1991 the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86 and amended Regulation (EEC) No 1835/90

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 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar; whereas in a first stage quantities were fixed by Commission Regulation (EEC) No 1835/90⁽⁴⁾ on the basis of a forward estimate covering the period 1 July 1990 to 28 February 1991;

Whereas the final production of the French overseas department of Réunion and the quantities available for refining are now known; whereas the latter quantities which may qualify for this refining aid are accordingly to be determined for the remainder of the 1990/91 marketing year; whereas the production of raw sugar in the

French overseas departments and the quantities available for refining have been significantly reduced; whereas, in order to rectify the supplies to the various Community refineries, the quantities determined for the period July 1990 to February 1991 by Regulation (EEC) No 1835/90 should consequently be revised; whereas problems associated with the scheduling of vessel loading have resulted in an additional quantity of 1 000 tonnes being refined in French refineries over and above the quantity initially foreseen;

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 quantities of sugar referred to in Article 3 (2) of Regulation (EEC) No 2225/86 shall be fixed for the period 1 March to 30 June 1991 in accordance with Annex I hereto.

Article 2

The Annex to Regulation (EEC) No 1835/90 shall be replaced by the Annex II hereto.

Article 3

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

It shall apply with effect from 1 March 1991 with the exception of Article 2 which shall apply with effect from 1 July 1990.

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

Done at Brussels, 19 March 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 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 168, 30. 6. 1990, p. 1.

ANNEX I

Quantities of raw cane sugar, expressed in 1 000 tonnes of white sugar :

Period from 1 March to 30 June 1991

Originating from the French overseas departments	For refining			
	In metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	0	0	0	0
2. Guadeloupe and Martinique	43	0	0	0

ANNEX II

Quantities of raw cane sugar, expressed in 1 000 tonnes of white sugar :

Period from 1 July 1990 to 28 February 1991

Originating from the French overseas departments	For refining			
	In metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	160	0	0	0
2. Guadeloupe and Martinique	1	0	0	0

COMMISSION REGULATION (EEC) No 736/91

of 19 March 1991

amending Regulation (EEC) No 1836/90 adopting measures for the supply of raw sugar from beet harvested in the Community to Portuguese refineries during the 1990/91 marketing year

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

Having regard to Council Regulation (EEC) No 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 9 (6) thereof,

Whereas the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 stipulates that, to the extent necessary for the supply of refineries, provision may be made for the same measures as those taken in regard to raw sugar produced in the French overseas departments to be applied to raw sugar produced from beet harvested in the Community; whereas the raw sugar forward supply estimate for all refineries indicates an increase in the quantity of the raw sugar from beet harvested in the Community that is available for Portuguese refineries for the 1990/91 marketing year; whereas the quantity of such sugar foreseen for the supply of Portuguese refineries in respect of the 1990/91 marketing

year by Commission Regulation (EEC) No 1836/10⁽³⁾ as last amended by Regulation (EEC) No 3624/90⁽⁴⁾, should as a consequence be amended;

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 quantity of 45 000 tonnes indicated in Article 1 of Regulation (EEC) No 1836/90 is replaced by the quantity of 65 000 tonnes.

Article 2

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

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

Done at Brussels, 19 March 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 168, 30. 6. 1990, p. 3.
⁽⁴⁾ OJ No L 351, 15. 12. 1990, p. 43.

COMMISSION REGULATION (EEC) No 737/91

of 19 March 1991

adopting measures for the supply of raw sugar from beet harvested in the Community to Portuguese refineries during the 1991/92 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 9 (6) and the second paragraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purpose of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 12 thereof,

Whereas the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 stipulates that, to the extent necessary for the supply of refineries, provision may be made for the same measures as those taken in regard to raw sugar produced in the French overseas departments to be applied to raw sugar produced from beet harvested in the Community; whereas Community production of raw sugar from beet in 1990/91 indicates quantities of such sugar available for Portuguese refineries for the 1991/92 marketing year;

Whereas the availability of such quantities must be turned to account quickly for refining in Portugal in 1991/92; whereas, in order to enable purchase contracts to be concluded rapidly and delivery of the quantities concerned to be made before 1 July 1991 and pending the drawing-up of a forward estimate for 1991/92, the measures provided for in the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 should be adopted; whereas the application of such measures to the sugar makes an operation of this sort feasible at a lower cost; whereas consequently the same aid measures should be adopted for these quantities of raw beet sugar as those prescribed by Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and

for the equalization of the price conditions with preferential raw sugar⁽⁵⁾;

Whereas certain detailed rules relating to the determination of weights and sugar yields should be laid down, particularly in the case of transport in bulk in the same vessel but on behalf of several sellers;

Whereas in general a considerable period of time elapses between the date on which the sugar in question is loaded and that on which the formalities required for payment of the aid by the competent agency are concluded on arrival; whereas provision should therefore be made for an advance payment system; whereas, in view of the special conditions of delivery and prolonged storage in Portuguese refineries, a fairly lengthy period will elapse before the sugar is processed and thus before the refining aid is paid; whereas the system of advance payment should accordingly be extended to the refining aid in respect of the sugar brought into Portugal between the date of entry into force of this Regulation and 30 June 1991;

Whereas suitable control provisions with regard to the refined sugar, including a definition of the term 'refining', should be laid down;

Whereas, for conversion into escudos of the aid, the conversion rate applicable to the transport aid, to the advance on that aid and to the advance on the refining aid should be the agricultural conversion rate in force on the day when the bill of lading is drawn up for the sugar transported, all of which will be transported by sea, and, in so far as the refining aid is concerned, the conversion rate should be the agricultural conversion rate in force on the day when the sugar in question is refined;

Whereas Commission Regulation (EEC) No 1836/90⁽⁶⁾ determines the quantities of raw sugar obtained from beet harvested in the Community intended, for the 1990/91 marketing year, for the Portuguese refineries and entitled thereby to qualify for the same aids as those granted for raw sugar produced in the French overseas departments; whereas all of those quantities may not perhaps be able to be refined in good time but, being considered as working stock, those quantities are eligible for the refining aid applied for the 1991/92 marketing year; whereas it is appropriate to provide that the refining aid applied in

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁶⁾ OJ No L 168, 30. 6. 1990, p. 3.

1991/92 should be applied to those quantities by setting them against the quantity fixed in Article 1 of Regulation (EEC) No 1836/90 for the 1990/91 marketing year;

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

For the 1991/92 marketing year, flat-rate Community aid shall be granted, as an intervention measure, in accordance with the conditions set out in this Regulation, for the transport to and refining in Portugal of raw sugar obtained from beet harvested in the Community, up to a limit equivalent to 82 000 tonnes of white sugar to be refined as from 1 July 1991.

Article 2

1. There shall be granted for the sugar referred to in Article 1 delivered to Portuguese refineries and within the prescribed limit:

(a) a flat-rate aid for transport equal to the total aid granted, in application of Article 2 of Regulation (EEC) No 2225/86 for the transport of raw sugar produced in the French overseas departments, either during the 1990/91 marketing year for the raw sugar in respect of which the bill of lading is drawn up before 1 July 1991 or during the 1991/92 marketing year for the raw sugar in respect of which the bill of lading is drawn up after 30 June 1991,

and

(b) an aid for refining in Portuguese refineries made up of:

(i) an amount per 100 kilogrammes of raw sugar of standard quality equal to the difference between the storage levy as referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81 that was actually collected for the sugar in question and three times the amount of the monthly reimbursement of storage costs as referred to in the first subparagraph of Article 8 (2) of that Regulation which is applicable during the refining of the sugar;

and

(ii) for each tenth of a percentage point of yield in excess of 92 %, an amount equal to 0,0387 % of the intervention price for raw sugar for the 1991/92 marketing year.

2. The aid specified in paragraph 1 shall be granted on application by the Portuguese undertakings refining the sugar in question to the competent Portuguese authorities.

Article 3

1. The transport aid referred to in Article 2 (1) (a):

(a) shall be applicable to the accepted arrival weight expressed as white sugar using the yield formula referred to in Article 1 (3) of Council Regulation (EEC) No 431/68 (7).

In the case of transport in bulk which does not allow the identification of individual lots, the average yield of the whole quantity delivered shall be applied to all the sugar in question;

(b) shall be paid on presentation by the refiner:

— of the customs document of entry for consumption in Portugal or of a copy or photocopy of that document certified to be a true copy either by the body which approved the original document or by the official Portuguese services,

and

— the bill of lading, the results of the analyses and the final invoice.

2. The analyses shall be carried out on delivery, in respect of the entire shipment, by 250-tonne lots, by a laboratory approved by Portugal.

Article 4

1. An advance may be paid:

(a) in respect of the sugar referred to in Article 1, on the transport aid referred to in Article 2 (1) (a), representing 90 % of the amount determined on the basis of the weight shown on the provisional invoice converted into white sugar using a standard yield of 94,5 %.

Where the raw sugar is brought into Portugal between the date of entry into force of this Regulation and 30 June 1991, the advance shall be determined by reference to the total flat-rate transport aid referred to in Article 2 (1) (a) applicable at the time the bill of lading is drawn up for the transported sugar in question during this period;

(b) in respect of the sugar referred to in Article 1 that is brought into Portugal between the date of entry into force of this Regulation and 30 June 1991, on the aid for refining referred to in Article 2 (1) (b) (i) and (ii), representing 90 % of the amount determined on the basis of the weight shown on the provisional invoice converted into white sugar using a standard yield of 94,5 %.

Notwithstanding Article 2 (1) (b), where the raw sugar is in storage at the relevant Portuguese refiner's premises before 1 July 1991, the advance on the refining aid shall be calculated by reference to the monthly reimbursement applicable at the time the bill of lading is drawn up for the transported sugar in question and by reference to the raw sugar intervention price for the 1990/91 marketing year.

(7) OJ No L 89, 10. 4. 1968, p. 3.

2. Applications for advance payments as referred to in paragraph 1 (a) and (b) shall be made by the refiner concerned and accompanied by customs documents of entry into Portugal, the bill of lading and the provisional invoice.

3. Applications for advance payments the refining aid referred to in paragraph 1 (b) shall be accompanied by the lodging of a security corresponding to the advance granted. Such securities shall be released for quantities in respect of which the final payment of the total refining aid referred to in Article 2 (1) (b) is made.

Securities shall be lodged, at the applicant's discretion, in cash or in the form of a guarantee from an establishment meeting the criteria laid down by Portugal.

Securities or parts of securities which are not released shall be forfeit in respect of the quantity of sugar of which the relevant obligations have not been fulfilled.

Article 5

1. For the granting of the aid referred to in Article 2 (1) (b) and of the advance on the payment of that aid, the raw sugar concerned shall be placed, at the refiner's request, under customs control or under another form of administrative control providing the same safeguards.

2. For the purposes of this Regulation, 'refining' means the conversion of raw sugar as defined in Article 1 (2) (b) of Regulation (EEC) No 1785/81 into white sugar as defined in Article 1 (2) (a) of that Regulation.

Article 6

1. The aid referred to in Article 2 (1) and the advances on the payment of that aid shall be granted only if the applications presented by the refiner are accompanied by evidence recognized by Portugal that the raw sugar in question has been obtained from beet harvested in the Community and if the bill of lading for the transported sugar in question has been drawn up:

(a) within the period between the date of entry into force of this Regulation and 30 June 1991 in so far as the advance on the payment of the refining aid and the payment of this aid are concerned for the sugar referred to in Article 1 brought into Portugal before 1 July 1991;

(b) after 30 June 1991 in so far as the payment of the refining aid for the sugar referred to in Article 1, brought into Portugal as from 1 July 1991, is concerned.

2. To permit the granting of the transport aid referred to in Article 2 (1) (a), the Commission shall notify the competent Portuguese authorities of the unit transport aid amounts applicable as the case may be during the 1990/91 marketing year and during the 1991/92 marketing year.

3. Within two months following each month concerned, Portugal shall notify the Commission of the quantities, expressed as white sugar, for which the aid referred to in Article 2 (1) has been granted and the sums corresponding to those quantities.

Article 7

For the quantities of sugar falling within the quantity fixed in Article 1 of Regulation (EEC) No 1836/90 the refining of which takes place as from 1 July 1991, the refining aid in force during the 1991/92 marketing year pursuant to Article 2 (b) of this Regulation shall be applicable. The quantities so refined shall be set against the quantity fixed in Article 1 of Regulation (EEC) No 1836/90 for the 1990/91 marketing year.

Article 8

The conversion into escudos:

(a) of the aid referred to in Article 2 (1) (a) and of the advance payments referred to in Article 4 (1) (a) shall be at the agricultural conversion rate applicable on the day when the bill of lading for the transported sugar is drawn up;

(b) of the aid referred to in Article 2 (1) (b) shall be at the agricultural conversion rate applicable on the day when the quantity of sugar concerned is refined;

(c) of the advance payment referred to in Article 4 (1) (b) shall be at the agricultural conversion rate applicable on the date when the bill of lading for the transported sugar is drawn up.

Article 9

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, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 738/91

of 25 March 1991

concerning the stopping of fishing for saithe by vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished⁽³⁾, provides for saithe quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of saithe in the waters of ICES divisions IIa (EC zone), IIIa; IIIb, c, d (EC zone) and IV by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for

1991; whereas the Netherlands have prohibited fishing for this stock as from 12 March 1991; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES divisions IIa (EC zone), IIIa; IIIb, c, d (EC zone) and IV by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the quota allocated to the Netherlands for 1991.

Fishing for saithe in the waters of ICES divisions IIa (EC zone), IIIa; IIIb, c, d (EC zone) and IV by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 12 March 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 378, 31. 12. 1990, p. 1.

COMMISSION REGULATION (EEC) No 739/91

of 25 March 1991

concerning the stopping of fishing for saithe by vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3933/90 of 20 December 1990 allocating for 1991 certain catch quotas between the Member States for vessels fishing in Faroese waters⁽³⁾, provides for saithe quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of saithe in Faroese waters by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for

1991; whereas the Netherlands have prohibited fishing for this stock as from 13 February 1991; whereas it is therefore necessary to abide by that date

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in Faroese waters by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the quota allocated to the Netherlands for 1991.

Fishing for saithe in Faroese waters by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 13 February 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 378, 31. 12. 1990, p. 67.

COMMISSION REGULATION (EEC) No 740/91**of 25 March 1991****amending Annex VII to Council Regulation (EEC) No 4135/86 on common rules for imports of certain textile products originating in Yugoslavia (categories 5, 6 and 7)**

THE COMMISSION 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 the Community and Yugoslavia have concluded an additional Protocol to their cooperation Agreement concerning trade in textile products;

Whereas the Council, by Regulation (EEC) No 4135/86⁽¹⁾, as last amended by Regulation (EEC) No 3059/90⁽²⁾, has subjected imports of certain textile products originating in Yugoslavia to common rules until 1991;

Whereas additional requirements have arisen in certain regions of the Community (Italy, the Benelux) for reimports of categories 5 (knitwear), 6 (trousers) and 7 (blouses) following processing in Yugoslavia, as provided for in Article 5 (3) of the said Regulation;

Whereas, in the interests of the Community industry, the quantitative objectives for outward processing arrange-

ments for categories 5 (knitwear), 6 (trousers) and 7 (blouses) set out in Appendices A and B to Annex VII should be adjusted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the 'Yugoslavia' committee,

HAS ADOPTED THIS REGULATION:

Article 1

Appendices A and B to Annex VII to Regulation (EEC) No 4135/86 are hereby amended in respect of the year 1991 in accordance with the Annex to this 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 Brussels, 25 March 1991.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 1.

⁽²⁾ OJ No L 294, 25. 10. 1990, p. 20.

ANNEX

Annex VII is modified as follows :

— in Appendix A (categories 5, 6 and 7) the table is replaced by :

'Category	Description	Units	Years	Quantity EEC
5	Jerseys, windcheaters and the like	1 000 pieces	1991	4 622
6	Woven trousers	1 000 pieces	1991	14 311
7	Blouses and shirt-blouses, woven, knitted or crocheted	1 000 pieces	1991	7 328'

— in Appendix B (categories 5, 6 and 7) the table is replaced by :

'Category	Unit	Member State	1991
5	1 000 pieces	D	3 780
		F	—
		I	415
		BNL	427
		UK	—
		IRL	—
		DK	—
		GR	—
		E	—
		P	—
		EEC	4 622
6	1 000 pieces	D	11 453
		F	514
		I	400
		BNL	1 944
		UK	—
		IRL	—
		DK	—
		GR	—
		E	—
		P	—
		EEC	14 311
7	1 000 pieces	D	6 444
		F	—
		I	—
		BNL	884
		UK	—
		IRL	—
		DK	—
		GR	—
		E	—
		P	—
		EEC	7 328'

COMMISSION REGULATION (EEC) No 741/91

of 26 March 1991

amending Regulation (EEC) No 463/91 and increasing to 75 000 tonnes the amount of durum wheat held by the Spanish intervention agency which a standing invitation to tender for resale has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2619/90 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 463/91 ⁽⁵⁾ opened a standing invitation to tender for the resale of 35 000 tonnes of durum wheat held by the Spanish intervention agency;

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

agency put up for sale on the internal market of the Community should be increased to 75 000 tonnes;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 463/91 'of 35 000 tonnes' is replaced by 'of 75 000 tonnes'.

Article 2

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

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

Done at Brussels, 26 March 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 8.

⁽⁵⁾ OJ No L 54, 28. 2. 1991, p. 21.

COMMISSION REGULATION (EEC) No 742/91

of 26 March 1991

fixing for the 1990/91 marketing year the special levy applicable to imports of olive oil originating in Tunisia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia⁽¹⁾, signed on 26 May 1987, and in particular Article 4 (1) thereof,

Whereas Article 4 (1) of that Protocol, as extended by the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Tunisia⁽²⁾, signed on 25 February 1991, provides for the charging of a special levy during the period between the date of entry into force of the said Protocol and 31 December 1993, within the limit of a quantity of 46 000 tonnes of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90 for each marketing year, wholly obtained in Tunisia and transported direct from that country to the Community; whereas that levy is equal to the difference between the threshold price and the free-at-frontier price; whereas that free-at-frontier price should be determined in accordance with the criteria laid down in Article 4 (2) of the Protocol and the level of the special levy should be fixed;

Whereas for administrative simplicity this measure should be applied in the same way as trade arrangements provided for by Council Regulation No 136/66/EEC⁽³⁾, as last amended by Regulation (EEC) No 3577/90⁽⁴⁾; whereas the free-at-frontier price and the levy should therefore be indicated as an amount to be converted at the agricultural rate;

Whereas provision should be made for the free-at-frontier price and the levy to be altered only where there is a substantial change in the basis of calculation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The free-at-frontier price referred to in Article 4 (1) of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia shall be ECU 177,87 per 100 kilograms.

The levy provided for in Article 4 (1) of that Protocol is hereby fixed at ECU 11,24 per 100 kilograms.

Article 2

Those amounts shall be altered where there is a substantial change in the basis of calculation taken into account pursuant to Article 4 of the Additional Protocol.

Article 3

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, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 36.

⁽²⁾ OJ No L 56, 2. 3. 1991, p. 22.

⁽³⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽⁴⁾ OJ No L 353, 17. 12. 1990, p. 23.

COMMISSION REGULATION (EEC) No 743/91

of 26 March 1991

amending Regulations (EEC) No 261/91 and (EEC) No 502/91 fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3641/90 ⁽²⁾, and in particular Article 17 (4) thereof,Having regard to Council Regulation (EEC) No 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector as a result of German unification ⁽³⁾, and in particular Article 3 thereof,Whereas Commission Regulations (EEC) No 261/91 ⁽⁴⁾ and (EEC) No 502/91 ⁽⁵⁾ set a special refund for the export of butter to the Soviet Union; whereas pursuant to Article 1 (1) of Commission Regulation (EEC) No 3775/90 ⁽⁶⁾ Germany is authorized to continue to supplement from national funds the amount of the refund fixed by Community rules for the export of milk and milk products; whereas it is, therefore, appropriate to grant the refund normally applicable for other destinations for such exports of butter to the abovementioned destination; whereas Regulations (EEC) No 261/91 and (EEC) No 502/91 should therefore be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*1. Footnote ^(*) in the Annex to Regulation (EEC) No 261/91 is hereby replaced by the following:^(*) This amount shall not apply to butter exported pursuant to Commission Regulation (EEC) No 3775/90 (OJ No L 364, 28. 12. 1990, p. 2), for which the refund applicable is that fixed for the other destinations.2. Footnote ^(*) in the Annex to Regulation (EEC) No 502/91 is hereby replaced by the following:^(*) This amount shall not apply to butter exported pursuant to Commission Regulation (EEC) No 3775/90 (OJ No L 364, 28. 12. 1990, p. 2), for which the refund applicable is that fixed for the other destinations.*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 1 (1) shall apply from 1 February 1991.

Article 1 (2) shall apply from 1 March 1991.

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

Done at Brussels, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽⁴⁾ OJ No L 27, 1. 2. 1991, p. 89.⁽⁵⁾ OJ No L 55, 1. 3. 1991, p. 74.⁽⁶⁾ OJ No L 364, 28. 12. 1990, p. 2.

COMMISSION REGULATION (EEC) No 744/91

of 26 March 1991

fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽³⁾, as last amended by Regulation (EEC) No 4155/87⁽⁴⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EEC) No 3725/90⁽⁵⁾, last fixed for the period 1 January to 31 March 1991, they must be fixed anew for the period 1 April to 30 June 1991; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October 1990 to 28 February 1991;

Whereas, when the sluice-gate prices April to 31 August October, 1 January and 1 April are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the

preceding quarter; whereas, by Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 April to 30 June 1991;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price has been fixed, changes in world market prices for feed grain must be taken into account in fixing the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

The levies provided for in Article 3 of Regulation (EEC) No 2771/75, in respect of the products specified in Article 1 (1) thereof and the sluice-gate prices provided for in Article 7 thereof, in respect of the like products, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁴⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁵⁾ OJ No L 358, 21. 12. 1990, p. 73.

ANNEX

to the Commission Regulation of 26 March 1991 fixing the sluice-gate prices and levies for eggs

CN code	Sluice-gate price	Levy
	ECU/100 units	ECU/100 units
0407 00 11	50,84	14,23
0407 00 19	10,70	4,40
	ECU/100 kg	ECU/100 kg
0407 00 30	80,95	37,91
0408 11 10	394,87	177,42
0408 19 11	178,75	77,34
0408 19 19	190,45	82,64
0408 91 10	331,48	171,35
0408 99 10	87,90	43,98

COMMISSION REGULATION (EEC) No 745/91

of 26 March 1991

fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3986/87⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EEC) No 3864/90⁽⁵⁾, as amended by Regulation (EEC) No 465/91⁽⁶⁾, last fixed for the period 1 January to 31 March 1990, they must be fixed anew for the period 1 April to 30 June 1991; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October to 28 February 1991;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required for the production of poultrymeat varies by more than

3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 April to 31 June 1991;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price is to be fixed for certain product; changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, by Council Regulations (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁷⁾ and (EEC) 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 African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁸⁾, as last amended by Regulation (EEC) No 523/91⁽⁹⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultry meat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽¹⁰⁾ partially or totally suspends Common Tariff duties, in particular on certain poultry meat products;

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 72.

⁽⁶⁾ OJ No L 54, 28. 2. 1991, p. 25.

⁽⁷⁾ OJ No L 370, 31. 12. 1990.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽¹⁰⁾ OJ No L 370, 31. 12. 1990.

HAS ADOPTED THIS REGULATION :

Article 1

1. In respect of the products specified in Article 1 (1) of Regulation (EEC) No 2777/75, the levies provided for in Article 3 thereof and the sluice-gate prices provided for in Article 7 thereof shall be as shown in the Annex hereto.

2. However, in the case of products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1991 fixing the sluice-gate prices and levies for poultrymeat ⁽¹⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	22,04	6,66	—
0105 19 10	98,18	21,81	—
0105 19 90	22,04	6,66	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	76,52	26,99	—
0105 99 10	85,55	42,08	—
0105 99 20	111,41	42,04	—
0105 99 30	101,51	31,50	—
0105 99 50	117,22	43,85	—
0207 10 11	96,14	33,91	—
0207 10 15	109,32	38,56	—
0207 10 19	119,11	42,01	—
0207 10 31	145,01	45,00	—
0207 10 39	158,95	49,33	—
0207 10 51	100,64	49,51	—
0207 10 55	122,21	60,12	—
0207 10 59	135,79	66,80 ⁽²⁾	—
0207 10 71	159,16	60,05	—
0207 10 79	149,83	63,96 ⁽²⁾	—
0207 10 90	167,46	62,64	—
0207 21 10	109,32	38,56	—
0207 21 90	119,11	42,01	—
0207 22 10	145,01	45,00	—
0207 22 90	158,95	49,33	—
0207 23 11	122,21	60,12	—
0207 23 19	135,79	66,80 ⁽²⁾	—
0207 23 51	159,16	60,05	—
0207 23 59	149,83	63,96 ⁽²⁾	—
0207 23 90	167,46	62,64	—
0207 31 00	1 591,60	600,50	3 ⁽³⁾
0207 39 11	279,30	112,92	—
0207 39 13	131,02	46,21	—
0207 39 15	90,20	35,14	—
0207 39 17	62,45	24,33	—
0207 39 21	180,38	63,62	—
0207 39 23	169,45	59,77	—
0207 39 25	277,54	108,12	—
0207 39 27	62,45	24,33	—
0207 39 31	304,52	94,50	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	174,85	54,26	—
0207 39 35	90,20	35,14	—
0207 39 37	62,45	24,33	—
0207 39 41	232,02	72,00	—
0207 39 43	108,76	33,75	—
0207 39 45	195,76	60,75	—
0207 39 47	277,54	108,12	—
0207 39 51	62,45	24,33	—
0207 39 53	314,64	134,32 ⁽²⁾	—
0207 39 55	279,30	112,92 ⁽²⁾	—
0207 39 57	149,37	73,48	—
0207 39 61	164,81	70,36 ⁽²⁾	—
0207 39 63	184,21	68,90	—
0207 39 65	90,20	35,14 ⁽²⁾	—
0207 39 67	62,45	24,33 ⁽²⁾	—
0207 39 71	224,75	95,94 ⁽²⁾	—
0207 39 73	180,38	63,62 ⁽²⁾	—
0207 39 75	217,25	92,74 ⁽²⁾	—
0207 39 77	169,45	59,77 ⁽²⁾	—
0207 39 81	190,43	86,86 ⁽²⁾	—
0207 39 83	277,54	108,12	—
0207 39 85	62,45	24,33	—
0207 39 90	159,59	62,17	10
0207 41 10	279,30	112,92	—
0207 41 11	131,02	46,21	—
0207 41 21	90,20	35,14	—
0207 41 31	62,45	24,33	—
0207 41 41	180,38	63,62	—
0207 41 51	169,45	59,77	—
0207 41 71	277,54	108,12	—
0207 41 90	62,45	24,33	—
0207 42 10	304,52	94,50	—
0207 42 11	174,85	54,26	—
0207 42 21	90,20	35,14	—
0207 42 31	62,45	24,33	—
0207 42 41	232,02	72,00	—
0207 42 51	108,76	33,75	—
0207 42 59	195,76	60,75	—
0207 42 71	277,54	108,12	—
0207 42 90	62,45	24,33	—
0207 43 11	314,64	134,32 ⁽²⁾	—
0207 43 15	279,30	112,92	—
0207 43 21	149,37	73,48	—
0207 43 23	164,81	70,36 ⁽²⁾	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	184,21	68,90	—
0207 43 31	90,20	35,14 ⁽²⁾	—
0207 43 41	62,45	24,33 ⁽²⁾	—
0207 43 51	224,75	95,94 ⁽²⁾	—
0207 43 53	180,38	63,62 ⁽²⁾	—
0207 43 61	217,25	92,74 ⁽²⁾	—
0207 43 63	169,45	58,77 ⁽²⁾	—
0207 43 71	190,43	86,86 ⁽²⁾	—
0207 43 81	277,54	108,12	—
0207 43 90	62,45	24,33	—
0207 50 10	1 591,60	600,50	3 ⁽³⁾
0207 50 90	159,59	62,17	10
0209 00 90	138,77	54,06	—
0210 90 71	1 591,60	600,50	3
0210 90 79	159,59	62,17	10
1501 00 90	166,52	64,87	18
1602 31 11	290,02	90,00	17
1602 31 19	305,29	118,93	17
1602 31 30	166,52	64,87	17
1602 31 90	97,14	37,84	17
1602 39 11	274,42	112,64	—
1602 39 19	305,29	118,93	17
1602 39 30	166,52	64,87	17
1602 39 90	97,14	37,84	17

⁽¹⁾ The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP/OCT countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

⁽²⁾ The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽³⁾ The Common Customs Tariff duties on these products originating in the developing countries and listed in Regulation (EEC) No 3833/90 are suspended and no levy is to be collected.

COMMISSION REGULATION (EEC) No 746/91

of 26 March 1991

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽¹⁾, as amended by Regulation (EEC) No 4001/87 ⁽²⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Whereas the sluice-gate prices and import duties of the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1679/90 of 28 June 1990 fixing sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EEC) No 3722/90 ⁽⁴⁾ last fixed for the period 1 January to 31 March 1991, they must be fixed anew for the period 1 April to 30 June 1991; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EEC) No 744/91 of 26 March 1991 fixing the sluice-gate prices and levies for eggs ⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell have been altered by the said Regulation; whereas it is therefore necessary likewise to alter the sluice-gate prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EEC) No 3722/90;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import duties provided for in Article 2 of Regulation (EEC) No 2783/75, in respect of the products specified in Article 1 thereof and the sluice-gate prices provided for in Article 5 thereof, in respect of the like products, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 157, 22. 6. 1990, p. 16.

⁽⁴⁾ OJ No L 358, 21. 12. 1990, p. 62.

⁽⁵⁾ See page 25 of this Official Journal.

ANNEX

to the Commission Regulation of 26 March 1991 fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

CN code	Sluice-gate price	Import duty
	ECU/100 kg	ECU/100 kg
3502 10 91	380,36	153,91
3502 10 99	50,97	20,85
3502 90 51	380,36	153,91
3502 90 59	50,97	20,85

COMMISSION REGULATION (EEC) No 747/91

of 26 March 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 464/91⁽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 726/91⁽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 25 March 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 27 March 1991.

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

Done at Brussels, 26 March 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 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 78, 26. 3. 1991, p. 28.

⁽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 26 March 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,71 ⁽¹⁾
1701 11 90	38,71 ⁽¹⁾
1701 12 10	38,71 ⁽¹⁾
1701 12 90	38,71 ⁽¹⁾
1701 91 00	42,81
1701 99 10	42,81
1701 99 90	42,81 ⁽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.

COMMISSION REGULATION (EEC) No 748/91

of 26 March 1991

fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas, if the refund system is to operate normally, refunds 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 Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- 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 the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 March 1991.

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 March 1991 altering the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund ⁽¹⁾
1509 10 90 100	—
1509 10 90 900	—
1509 90 00 100	—
1509 90 00 900	—
1510 00 90 100	—
1510 00 90 900	—

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 749/91**of 26 March 1991****fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90**

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3192/90 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EEC) No 3192/90 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 March 1991.

Article 2

This Regulation shall enter into force on 27 March 1991.

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

Done at Brussels, 26 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 1. 11. 1990, p. 96.

ANNEX

to the Commission Regulation of 26 March 1991 fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	54,01
1509 10 90 900	—
1509 90 00 100	65,50
1509 90 00 900	—
1510 00 90 100	10,00
1510 00 90 900	—

NB: The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 March 1991

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Algeria, for the period 1 November 1987 to 31 December 1991

(91/161/EEC)

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 Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria⁽¹⁾, which entered into force on 1 November 1978, and in particular to Annex B thereof,

Having regard to the recommendation from the Commission,

Whereas it is necessary to approve the Agreement in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Algeria, for the period 1 November 1987 to 31 December 1991,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria fixing the addi-

tional amount to be deducted from the levy on imports into the Community of untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Algeria, for the period 1 November 1987 to 31 December 1991, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

Done at Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ No L 263, 27. 9. 1978, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Turkey, for the period 1 November 1987 to 31 December 1991

Letter No 1

Sir,

Annex IV to Decision No 1/77 of the EEC-Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 2 of that Decision is increased, in order to take account of certain factors and of the situation on the olive oil market, by an additional amount under the same conditions and arrangements as laid down for the application of the said Article.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex IV, the Community will take the necessary steps to fix the additional amount at ECU 10,88 per 100 kilograms.

By way of derogation from Annex IV of Decision No 1/77 of the EEC-Turkey Association Council, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1991 unless it is denounced by one of the Parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'Annex IV to Decision No 1/77 of the EEC-Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 2 of that Decision is increased, in order to take account of certain factors and of the situation on the olive oil market, by an additional amount under the same conditions and arrangements as laid down for the application of the said Article.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex IV, the Community will take the necessary steps to fix the additional amount at 10,88 ECU per 100 kilograms.

By way of derogation from Annex IV of Decision No 1/77 of the EEC-Turkey Association Council, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1991 unless it is denounced by one of the parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.'

I confirm the agreement of my Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Republic of Turkey*

COUNCIL DECISION

of 21 March 1991

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Economic Community and the Kingdom of Morocco fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Morocco, for the period 1 November 1987 to 31 December 1991

(91/162/EEC)

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 Cooperation Agreement between the European Economic Community and the Kingdom of Morocco⁽¹⁾, which entered into force on 1 November 1978, and in particular to Annex B thereof,

Having regard to the recommendation from the Commission,

Whereas it is necessary to approve the Agreement in the form of an Exchange of Letters between the European Economic Community and the Kingdom of Morocco fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Morocco, for the period 1 November 1987 to 31 December 1991,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and the

Kingdom of Morocco fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Morocco for the period 1 November 1987 to 31 December 1991 is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

Done at Brussels, 21 March 1991.

*For the Council**The President*

G. WOHLFART

⁽¹⁾ OJ No L 264, 27. 9. 1978, p. 2.

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the Kingdom of Morocco fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Morocco, for the period 1 November 1987 to 31 December 1991

Letter No 1

Sir,

Annex B to the Cooperation between the European Economic Community and the Kingdom of Morocco stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 17 (1) (b) of the Cooperation Agreement may, in order to take account of certain factors and of the situation on the olive oil market, be increased by an additional amount under the same conditions and arrangements as laid down for the application of the abovementioned provision.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex, the Community will take the necessary steps to fix the additional amount at ECU 12,09 per 100 kilograms.

By way of derogation from Article 2 of Annex B to the Cooperation Agreement, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1991 unless it is denounced by one of the Parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.

Please accept, Sir, the assurance of my highest consideration.

*On behalf
of the Council of the European Communities*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'Annex B to the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 17 (1) (b) of the Cooperation Agreement may, in order to take account of certain factors and of the situation on the olive oil market, be increased by an additional amount under the same conditions and arrangements as laid down for the application of the abovementioned provision.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex, the Community will take the necessary steps to fix the additional amount at ECU 12,09 per 100 kilograms.

By way of derogation from Article 2 of Annex B to the Cooperation Agreement, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1991 unless it is denounced by one of the parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.'

I am able to confirm the agreement of my Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Kingdom of Morocco

COUNCIL DECISION

of 21 March 1991

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Turkey, for the period 1 November 1987 to 31 December 1991

(91/163/EEC)

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 Decision No 1/77 of the EEC-Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community, and in particular Annex IV thereto,

Having regard to the proposal from the Commission,

Whereas it is necessary to approve the Agreement in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Turkey, for the period 1 November 1987 to 31 December 1991,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy

on imports into the Community of untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Turkey, for the period 1 November 1987 to 31 December 1991, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

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

Done at Brussels, 21 March 1991.

*For the Council**The President*

G. WOHLFART

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and the People's Democratic Republic of Algeria fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Algeria, for the period 1 November 1987 to 31 December 1991

Letter No 1

Sir,

Annex B to the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 16 (1) (b) of the Cooperation Agreement may, in order to take account of certain factors and of the situation on the olive oil market, be increased by an additional amount under the same conditions and arrangements as laid down for the application of the abovementioned provision.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex, the Community will take the necessary steps to fix the additional amount at ECU 12,09 per 100 kilograms.

By way of derogation from Article 2 of Annex B to the Cooperation Agreement, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1991 unless it is denounced by one of the Parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.

Please accept, Sir, the assurance of my highest consideration.

*On behalf
of the Council of the European Communities*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'Annex B to the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 16 (1) (b) of the Cooperation Agreement may, in order to take account of certain factors and of the situation on the olive oil market, be increased by an additional amount under the same conditions and arrangements as laid down for the application of the abovementioned provision.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex, the Community will take the necessary steps to fix the additional amount at ECU 12,09 per 100 kilograms.

By way of derogation from Article 2 of Annex B to the Cooperation Agreement, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1991 unless it is denounced by one of the Parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.'

I am able to confirm the agreement of my Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the People's Democratic Republic of Algeria*

COMMISSION

COMMISSION DECISION

of 20 December 1990

concerning applications for the refund of anti-dumping duties collected on certain imports of vinyl acetate monomer originating in the United States of America (Gantrade (UK) Ltd)

(Only the English, French and Dutch texts are authentic)

(91/164/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) Council Regulation (EEC) No 2357/87⁽²⁾ amended Regulation (EEC) No 1282/81⁽³⁾ imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America. Anti-dumping duty of 6 % was applied to the American company Gantrade Corporation.
- (2) Council Regulation (EEC) No 490/90⁽⁴⁾ repealed Regulation (EEC) No 2357/87 and terminated the anti-dumping proceeding concerning imports of vinyl acetate monomer originating in the United States. Thus, since 2 March 1990, anti-dumping duty can no longer be imposed on those imports.
- (3) Commission Decision 90/460/EEC⁽⁵⁾, which sets out the details of the case, the procedure, and the

arguments of the applicant, refunded part of the anti-dumping duties paid by Gantrade (UK) Ltd, Bishop's Stortford, United Kingdom, in respect of the import in the period August 1987 to March 1989 of vinyl acetate monomer exported by the United States company Gantrade Corporation. The Decision stated that Gantrade's applications for the period 1 April 1989 to 1 March 1990, the expiry date of the anti-dumping duty applied, would be examined before a further decision was taken.

- (4) For this second period, Gantrade, which imported into Belgium, submitted recurring applications for a sum of Bfrs [...] ⁽⁶⁾.
- (5) The applicant was informed of the results of the examination after the evidence adduced had been verified and had the opportunity to submit its comments.
- (6) Pursuant to Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the Member States and gave its opinion on the applications' admissibility and merits. No Member State raised any objection.

B. ADMISSIBILITY

- (7) The applications are admissible in that they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 213, 4. 8. 1987, p. 32.

⁽³⁾ OJ No L 129, 15. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 53, 1. 3. 1990, p. 1.

⁽⁵⁾ OJ No L 240, 3. 9. 1990, p. 19.

⁽⁶⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

C. MERITS OF THE CLAIM

- (8) The recurring applications concerning the duties paid on vinyl acetate monomer imported by Gantrade UK Ltd between April 1989 and 1 March 1990 appear to be well founded. The actual dumping margin, calculated as it had been for Decision 90/460/EEC using the method used during the first investigation, was nil. Accordingly, the applications for refund submitted by Gantrade (UK) Ltd for imports into the Community between April 1989 and 1 March 1990 of vinyl acetate monomer originating in the United States must be granted.

D. AMOUNT TO BE REFUNDED

- (9) A total of Bfrs [...] is therefore to be refunded to Gantrade (UK) Ltd.

HAS ADOPTED THIS DECISION:*Article 1*

The applications for the refund of anti-dumping duties totalling Bfrs [...] paid between April 1989 and 1 March 1990 by Gantrade (UK) Ltd are hereby granted.

Article 2

The amount set out in Article 1 shall be refunded by the Belgian authorities.

Article 3

This Decision is addressed to the Kingdom of Belgium and Gantrade (UK) Ltd, Bishop's Stortford, United Kingdom.

Done at Brussels, 20 December 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 20 December 1990

concerning applications for the refund of anti-dumping duties collected on certain the imports of vinyl acetate monomer originating in the United States of America

(Quantum Chemical Corporation)

(Only the English and Dutch texts are authentic)

(91/165/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) Council Regulation (EEC) No 2357/87⁽²⁾ amended Regulation (EEC) No 1282/81⁽³⁾ imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America. Anti-dumping duty of 5,9 % was applied to the American company US Industrial Chemical Co., later to become Quantum Chemical Corporation, to which the 5,9 % duty was declared to be applicable by Council Regulation (EEC) No 2166/89⁽⁴⁾.
- (2) Council Regulation (EEC) No 490/90⁽⁵⁾ repealed Regulation (EEC) No 2357/87 and terminated the anti-dumping proceeding concerning imports of vinyl acetate monomer originating in the United States. Thus, since 2 March 1990, anti-dumping duty can no longer be imposed on imports of vinyl acetate monomer.
- (3) Commission Decision 90/461/EEC⁽⁶⁾, which sets out the details of the case, the procedure, and the arguments of the applicant, refunded part of the anti-dumping duties paid by Quantum Chemical

Europe BV, Bavel, Netherlands (hereinafter referred to as 'Quantum'), in respect of the import in the period May 1988 to March 1989 of vinyl acetate monomer produced and exported by the Quantum Chemical Corporation. The Decision stated that Quantum's applications for the period 1 April 1989 to 1 March 1990, the expiry date of the anti-dumping duty applied, would be examined before a further decision was taken.

- (4) For this second period, Quantum, which imported into the Netherlands and the United Kingdom, submitted recurring applications for the sums of Fl [...] and £ [...] (?).
- (5) The applicant was informed of the results of the examination after the evidence adduced had been verified and had the opportunity to submit its comments.
- (6) In the notified English and Dutch versions of the abovementioned Decision, a clerical error was found concerning the sums to be refunded. The applicant was told that this error would be rectified in that Decision.
- (7) Pursuant to Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the Member States and gave its opinion on the applications' admissibility and merits. No Member State raised any objection.
- (8) The applications are admissible in that they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

B. ADMISSIBILITY

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.
⁽²⁾ OJ No L 213, 4. 8. 1987, p. 32.
⁽³⁾ OJ No L 129, 15. 5. 1981, p. 1.
⁽⁴⁾ OJ No L 208, 20. 7. 1989, p. 2.
⁽⁵⁾ OJ No L 53, 1. 3. 1990, p. 1.
⁽⁶⁾ OJ No L 240, 3. 9. 1990, p. 21.

⁽⁷⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

C. MERITS OF THE CLAIM

- (9) The recurring applications concerning the duties paid on imports of vinyl acetate monomer between April 1989 and 1 March 1990 appear to be well founded. The actual dumping margin, calculated as for the previous decision according to the method used during the first investigation, was nil.

Accordingly, Quantum's applications for the refund of anti-dumping duties paid on imports into the Community of vinyl acetate monomer originating in the United States between April 1989 and 1 March 1990 must be granted.

D. AMOUNT TO BE REFUNDED

- (10) The sums of Fl [...] and £ [...] are therefore to be refunded to Quantum.
- (11) A correction must also be made to notified Decision No 90/461/EEC of 6 August 1990. The sums indicated in the notified versions were not those indicated to the applicant before the Decision was taken and included in the subsequent translation of the original Decision.

The amounts to be refunded by way of anti-dumping duties paid for the period March 1988 — March 1989 actually totalled Fl [...] and £ [...], and not Fl [...] and £ [...] as indicated in the notified version of Decision 90/461/EEC. Decision 90/461/EEC must therefore be amended. This means that the Dutch authorities must refund a further Fl [...] to the applicant under Decision 90/461/EEC. The notified version of the same Decision awarded £ [...] too much. The United Kingdom authorities have notified the Commission

that they had refunded only £ [...] under this Decision and would not therefore need to proceed to recovery.

HAS ADOPTED THIS DECISION :*Article 1*

Quantum's applications for the refund of anti-dumping duties totalling Fl [...] and £ [...] submitted in respect of the period between April 1989 and 1 March 1990 are hereby granted.

Article 2

The sums of Fl [...] and £ [...] indicated in paragraph (11) above and the notified English and Dutch versions of Article 2 of Commission Decision 90/461/EEC shall be corrected to read: Fl [...] and £ [...].

Article 3

The sum of Fl [...] shall be refunded by the Netherlands authorities, that of £ [...] by the United Kingdom authorities.

Article 4

This Decision is addressed to the Kingdom of the Netherlands, the United Kingdom, and Quantum Chemical Europe BV, Bavel, the Netherlands.

Done at Brussels, 20 December 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 20 December 1990

concerning applications for the refund of anti-dumping duties collected on certain imports of vinyl acetate monomer originating in the United States of America (Guzman SA)

(Only the Spanish text is authentic)

(91/166/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) Council Regulation (EEC) No 2357/87 ⁽²⁾ amended Regulation (EEC) No 1282/81 ⁽³⁾ imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America. Anti-dumping duty of 5,9 % was applied to the American company US Industrial Chemicals Co., later to become Quantum Chemical Corporation, to which the 5,9 % duty was declared to be applicable by Council Regulation (EEC) No 2166/89 ⁽⁴⁾.
- (2) Council Regulation (EEC) No 490/90 ⁽⁵⁾ repealed Regulation (EEC) No 2357/87 and terminated the anti-dumping proceeding concerning imports of vinyl acetate monomer originating in the United States. Thus, since 2 March 1990, anti-dumping duty can no longer be imposed on imports of vinyl acetate monomer.
- (3) Commission Decision 90/462/EEC ⁽⁶⁾, which sets out the details of the case, the procedure, and the arguments of the applicant, refunded part of the anti-dumping duties paid by Guzman SA, Valencia, Spain, in respect of the import in the period June 1988 to 31 March 1989 of vinyl acetate monomer

exported by the Quantum Chemical Corporation of the United States and sold by its subsidiary, Quantum Chemical Europe BV. The Decision stated that a decision would be taken on Guzman's applications for the period 1 April 1989 to 1 March 1990, the expiry date of the anti-dumping duty applied.

- (4) For this second period, Guzman SA submitted recurring applications for a full refund of the anti-dumping duty paid, a sum of Pta [...] ⁽⁷⁾.
- (5) The applicant was informed of the results of the examination after the evidence adduced had been verified and had the opportunity to submit its comments.
- (6) Pursuant to Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the Member States and gave its opinion on the applications' admissibility and merits. No Member State raised any objection.

B. ADMISSIBILITY

- (7) The applications are admissible in that they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

C. MERITS OF THE CLAIM

- (8) The applications appear to be well founded. The applicant, in accordance with the provisions of Article 16 of Regulation (EEC) No 2423/88, supplied evidence that enabled the Commission to verify that the actual dumping margin was nil at the time the imports in question were effected. Accordingly, Guzman's applications for the refund of anti-dumping duties paid between April 1989 and 1 March 1990 must be granted.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 213, 4. 8. 1987, p. 32.

⁽³⁾ OJ No L 129, 15. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 208, 20. 7. 1989, p. 2.

⁽⁵⁾ OJ No L 53, 1. 3. 1990, p. 1.

⁽⁶⁾ OJ No L 240, 3. 9. 1990, p. 23.

⁽⁷⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

D. AMOUNT TO BE REFUNDED

- (9) The sum of Pta [...] is therefore to be refunded to Guzman SA.

HAS ADOPTED THIS DECISION:

Article 1

The applications submitted by Guzman SA, Valencia, Spain, for the refund of Pta [...] paid in anti-dumping duties between April 1989 and 1 March 1990 are hereby granted.

Article 2

The sum set out in Article 1 shall be refunded by the Spanish authorities.

Article 3

This Decision is addressed to the Kingdom of Spain and Guzman SA, Valencia, Spain.

Done at Brussels, 20 December 1990.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 696/91 of 21 March 1991 fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

(Official Journal of the European Communities No L 76 of 22 March 1991)

On page 25 in the Annex:

— against CN code 0201 30 00 in the column headed 'Deutschland':

for: '858,91',

read: '857,91'.

— against CN code 0202 20 90 in column headed 'Nederland':

for: '746,68',

read: '747,68'.
