

Official Journal

of the European Communities

ISSN 0378-6978

L 209

Volume 34

31 July 1991

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2284/91 of 30 July 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2285/91 of 30 July 1991 fixing the premiums to be added to the import levies on cereals, flour and malt	3
* Commission Regulation (EEC) No 2286/91 of 29 July 1991 amending for the third time Regulation (EEC) No 2159/89 laying down detailed rules for applying specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72	5
* Commission Regulation (EEC) No 2287/91 of 30 July 1991 introducing preventive distillation as provided for in Article 38 of Regulation (EEC) No 822/87 for the 1991/92 wine year	8
* Commission Regulation (EEC) No 2288/91 of 30 July 1991 fixing for the 1991/92 marketing year the minimum price to be paid to producers for peaches and the amount of production aid for peaches in syrup and/or natural fruit juice	10
* Commission Regulation (EEC) No 2289/91 of 30 July 1991 fixing for the 1991/92 marketing year the minimum price to be paid to producers for Williams and Rocha pears and the amount of production aid for such pears in syrup and/or natural fruit juice	13
* Commission Regulation (EEC) No 2290/91 of 30 July 1991 fixing for the 1991/92 marketing year the amount of the aid for the cultivation of certain varieties of grape intended for drying	16
* Commission Regulation (EEC) No 2291/91 of 30 July 1991 fixing for the 1991/92 marketing year the minimum price to be paid to producers for unprocessed sultanas, currants and muscatels and the amount of production aid for dried grapes	18

Contents (continued)

* Commission Regulation (EEC) No 2292/91 of 30 July 1991 laying down detailed rules for applying the supplementary trade mechanism to imports of rice into Portugal	20
* Commission Regulation (EEC) No 2293/91 of 29 July 1991 amending Regulation (EEC) No 964/91 of 18 April 1991 concerning the classification of certain goods in the combined nomenclature	22
Commission Regulation (EEC) No 2294/91 of 30 July 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1	23
Commission Regulation (EEC) No 2295/91 of 30 July 1991 fixing the import levies on milk and milk products	26
Commission Regulation (EEC) No 2296/91 of 30 July 1991 fixing the amount of the subsidy on oil seeds	31
Commission Regulation (EEC) No 2297/91 of 30 July 1991 fixing the import levies on white sugar and raw sugar	34
Commission Regulation (EEC) No 2298/91 of 30 July 1991 fixing the aid for soya beans	36

II *Acts whose publication is not obligatory*

Commission

91/392/EEC:

* Commission Decision of 21 June 1991 accepting undertakings given in connection with the anti-dumping proceeding concerning imports of certain asbestos cement pipes originating in Turkey, and terminating the investigation	37
--	----

91/393/EEC:

* Commission Decision of 30 July 1991 amending Decision 91/146/EEC concerning protective measures against cholera in Peru	42
---	----

Corrigenda

* Corrigendum to Commission Directive 91/325/EEC of 1 March 1991 adapting to technical progress for the twelfth time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ No L 180 of 8. 7. 1991)	43
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2284/91

of 30 July 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 1844/91⁽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 29 July 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 1844/91 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 31 July 1991.

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

Done at Brussels, 30 July 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 168, 29. 6. 1991, p. 1.

ANNEX

to the Commission Regulation of 30 July 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (ECU/tonne)
0709 90 60	126,65 ⁽²⁾ ⁽³⁾
0712 90 19	126,65 ⁽²⁾ ⁽³⁾
1001 10 10	166,16 ⁽¹⁾ ⁽²⁾
1001 10 90	166,16 ⁽¹⁾ ⁽²⁾
1001 90 91	154,14
1001 90 99	154,14
1002 00 00	136,33 ⁽⁴⁾
1003 00 10	139,31
1003 00 90	139,31
1004 00 10	113,15
1004 00 90	113,15
1005 10 90	126,65 ⁽²⁾ ⁽³⁾
1005 90 00	126,65 ⁽²⁾ ⁽³⁾
1007 00 90	139,55 ⁽⁴⁾
1008 10 00	48,09
1008 20 00	114,82 ⁽⁴⁾
1008 30 00	29,22 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	29,22
1101 00 00	229,53 ⁽⁶⁾
1102 10 00	203,43 ⁽⁶⁾
1103 11 10	270,55 ⁽⁶⁾
1103 11 90	247,89 ⁽⁶⁾

⁽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 2285/91

of 30 July 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 1845/91⁽⁵⁾ and subsequent amending Regulation;

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 29 July 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 31 July 1991.

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

Done at Brussels, 30 July 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 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 30 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0,56
0712 90 19	0	0	0	0,56
1001 10 10	0	0	0	2,04
1001 10 90	0	0	0	2,04
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	19,34	19,34	19,34
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,56
1005 90 00	0	0	0	0,56
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 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 2286/91

of 29 July 1991

amending for the third time Regulation (EEC) No 2159/89 laying down detailed rules for applying specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1623/91⁽²⁾, and in particular Article 14g, thereof,

Having regard to Council Regulation (EEC) No 2145/91 of 15 July 1991 amending Regulation (EEC) No 790/89 as regards the maximum amount of aid for quality and marketing improvement in the nut and locust bean sector⁽³⁾, and in particular Article 2 thereof,

Whereas Council Regulation (EEC) No 790/89 of 20 March 1989 fixing the level of additional flat-rate aid for the formation of producers' organizations and the maximum amount applied to aid for quality and marketing improvement in the nut — and locust bean — growing sector⁽⁴⁾, as amended by Regulation (EEC) No 2145/91, set, for the purposes of determination of the Member State's contributions, maximum amounts per hectare differing for (a) grubbing followed by replanting or varietal conversion by top grafting and (b) other measures; whereas rules of application for this differentiation must be adopted;

Whereas it should be specified that for the higher maximum to be received the more fundamental quality improvement measures must extend to all trees in the area covered by the plan;

Whereas it should be recalled that in application of Regulation (EEC) No 790/89 Community financing of grubbing followed by replanting or varietal conversion may cover only as much of the orchard as may be so improved without unduly burdening the productive capital of the producers' organization;

Whereas so that the suitability of plans can be judged and the scheme properly administered all plans submitted must provide full information on the measures to be implemented, the precise areas concerned and the timetable for the plan;

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

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 2159/89⁽⁵⁾ is amended as follows:

1. The following Article 7a is added:

'Article 7a

1. The maximum of ECU 475 per hectare set at point 1 of Article 2 of Regulation (EEC) No 790/89 shall be paid for five years in regard to areas on which, under the quality and marketing improvement plan all nut and locust bean trees are grubbed and new trees planted or varietal conversion is carried out by top grafting.

2. For the other years of the plan the maximum of ECU 200 per hectare set in the last indent of point 1 of the abovementioned Article 2 shall be paid in regard to these areas other than those already covered by aid as foreseen in the said paragraph.'

2. Article 8 (1) is replaced by the following:

'1. Producers' organizations shall submit their draft plans for approval by the competent authority designated by the Member State in the form shown at Annex III together with all the supporting documents.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 200, 23. 7. 1991, p. 1.

⁽⁴⁾ OJ No L 85, 30. 3. 1989, p. 6.

⁽⁵⁾ OJ No L 207, 19. 7. 1989, p. 19.

The draft plan shall give precise details of

- the orchard areas to be grubbed and replanted or converted to another variety by top grafting in the first three years of the plan and in three further years; these areas shall be identified by a cadastral reference or lot numbering,
- a timetable detailing the execution of the various measures indicated in Article 7 in each year of the plan, specifying the plots involved.

Implementation of the plan may not commence before it has been approved by the competent national authority.'

3. Annex III is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 29 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX**ANNEX III****DESCRIPTION OF QUALITY AND MARKETING IMPROVEMENT PLAN****ARTICLE 8 (1)****A. Delimitation of geographical area****B. Description of initial situation****1. Production**

- number of holdings, area cultivated, average yield per hectare, volume of production and its percentage of national production (separate figures must be given for each species and variety of nut and locust bean),
- state of orchards (age, density, three shaped, grafts, other fruit trees),
- technical infrastructures of exploitations.

2. Technical assistance**3. Marketing**

Brief description of existing facilities, equipment and capacity.

C. Production potential : aims and outlooks for disposal**D. Aims of plan in regard to initial situation and market requirements :****1. Production**

- grubbing and replanting (new varieties or replacement by other fruit trees and/or locust beans),
- varietal conversion (choice of varieties and root stocks),
- training and shaping systems, correction of orchard density,
- pollination (pollinating trees, bees),
- soil preparation, fertilization and improvement (soil analysis, correction of nutritional defects, maintenance of fertility),
- genetic improvement (production of new hybrids),
- adaptation of new varieties (trial orchards for study of behaviour and yield),
- production of certified material (nurseries and orchards producing scions for breeding and cloning),
- pest control.

The plan must clearly indicate on which plots each activity will be carried out.

2. Technical assistance (personnel requirements for production, training, sales and administration).**3. Marketing** (purchase of equipment required for market preparation, packaging, storage, computerization and stock management).**E. Investment required**

1. Estimated cost broken down by type of measure and year to indicate the unit cost of each measure and its components.
2. The total cost of the plan, with a breakdown by measure, for the entire period.

F. Timetable :

Spread out the different measures, section by section of the area, annually.

COMMISSION REGULATION (EEC) No 2287/91

of 30 July 1991

introducing preventive distillation as provided for in Article 38 of Regulation (EEC) No 822/87 for the 1991/92 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1734/91 ⁽²⁾, and in particular Article 38 (5) thereof,Whereas Commission Regulation (EEC) No 2721/88 ⁽³⁾, as amended by Regulation (EEC) No 2181/91 ⁽⁴⁾ lays down detailed rules for voluntary distillation, as provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87; whereas Commission Regulation (EEC) No 2209/91 ⁽⁵⁾ fixes the prices, the aid and certain other factors applicable to preventive distillation for the 1991/92 wine year;

Whereas, in view of the foreseeable situation on the market, the harvest forecasts and the level of end-of-year stocks, the quantities eligible should be fixed at levels which, in combination with the other distillation measures for the wine year, will enable the market to be stabilized, without however exceeding the quantities compatible with sound management of the market;

Whereas, given the low yields obtained in Spanish wine-growing areas, a maximum percentage of production that may be distilled in Spain should be set so as to have comparable results in terms of a percentage of production for the entire Community;

Whereas, with a view to applying this Regulation it is necessary to know the areas cultivated for production, in order to determine the quantity which producers may have distilled; whereas a high number of Greek producers do not have the necessary data owing to the administration's delay in introducing the planned administrative structures; whereas, so that the abovementioned producers are not prevented from qualifying under the measure, provision should be made for the reference areas to be determined on the basis of a flat-rate yield for Greece as a whole;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Preventive distillation of table wine and of wine suitable for yielding table wine as provided for in Article 38 of Regulation (EEC) No 822/87 is hereby introduced for the 1991/92 wine year.

The quantity of table wine or of wine suitable for yielding table wine which producers may have distilled in accordance with Regulation (EEC) No 2721/88 shall be equal to 12 hectolitres per hectare. However, in the case of producers whose holdings are located in the Spanish part of wine-growing zones C, the total quantity of table wine or of wine suitable for yielding table wine which may be distilled must in no circumstances exceed 15 % of their table-wine production.

The quantity of table wine produced to which the percentage referred to in the preceding subparagraph apply shall be, for each producer, that resulting from the sum of the quantities appearing as wine in the column headed 'Table wine' in the production declaration which he has submitted pursuant to Commission Regulation (EEC) No 3929/87 ⁽⁶⁾ where so required and the quantities obtained by himself after the date of submission of the said declaration and entered in the records provided for in Article 14 of Regulation (EEC) No 1153/75 ⁽⁷⁾.

2. The area to be used when calculating the quantity of table wine or wine suitable for yielding table wine which Greek producers may have distilled shall be obtained by dividing the quantity given as wine in the table wine column of the production declaration, presented pursuant to Commission Regulation (EEC) No 3929/87.

Article 2

This Regulation shall enter into force on 1 September 1991.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 6.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 88.

⁽⁴⁾ OJ No L 202, 25. 7. 1991, p. 16.

⁽⁵⁾ OJ No L 203, 26. 7. 1991, p. 31.

⁽⁶⁾ OJ No L 369, 29. 12. 1987, p. 59.

⁽⁷⁾ OJ No L 113, 1. 5. 1975, p. 1.

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

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2288/91

of 30 July 1991

fixing for the 1991/92 marketing year the minimum price to be paid to producers for peaches and the amount of production aid for peaches in syrup and/or natural fruit juice

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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1943/91⁽²⁾, and in particular Articles 4 (4) and 5 (5) thereof,

Whereas Council Regulation (EEC) No 1206/90⁽³⁾, as amended by Regulation (EEC) No 2202/90⁽⁴⁾, lays down general rules for the system of production aid for processed fruit and vegetables;

Whereas, under Article 4 (1) of Regulation (EEC) No 426/86, the minimum price to be paid to producers is to be determined on the basis of, firstly, the minimum price applying during the previous marketing year, secondly, the movement of basic prices in the fruit and vegetables sector, and thirdly, the need to ensure the normal marketing of fresh products for the various uses, including supply of the processing industry;

Whereas Article 5 of Regulation (EEC) No 426/86 lays down the criteria for fixing the amount of production aid; whereas account must, in particular, be taken of the aid fixed for the previous marketing year adjusted to take account of changes in the minimum price to be paid to producers and the difference between the cost of the raw material in the Community and in the major competing third countries;

Whereas Article 4 of Regulation (EEC) No 1206/90 provides for the establishment of a system of monetary adjustment with the aim of correcting production aid by the impact, on the minimum price minus the aid, of the differences between the agricultural conversion rate and the average of the market exchange rates during a period to be determined; whereas, in view of the current market situation and in order to ensure normal competition with third countries, such a system of adjustment should be implemented by applying a coefficient to the aid;

Whereas the minimum price to be paid to producers in Spain and Portugal and the production aid for the

products obtained are to be determined as provided for in Articles 118 and 304 of the Act of Accession; whereas the representative period for determining the minimum price is laid down in Council Regulation (EEC) No 461/86 of 25 February 1986 laying down, on account of the accession of Spain and Portugal, rules on the production aid system in respect of processed fruit and vegetables⁽⁵⁾; whereas the application of these provisions leads to the result that the minimum prices and the aid to be fixed for Portugal are the same as those to be fixed for the other Member States, other than Spain;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year:

- (a) the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 to be paid to producers for peaches; and
- (b) the production aid referred to in Article 5 of the same Regulation for peaches in syrup and/or in natural fruit juice;

shall be as set out in the Annex I.

Article 2

1. A coefficient equal to the impact on the cost price of the difference between the average market exchange rate and the agricultural conversion rate applicable at the beginning of the marketing year shall be applied to production aid.

2. For the application of paragraph 1:

- 'cost price' means the minimum price to pay to the producer less the aid,
- 'average market exchange rate' means the average of the rates used to calculate the monetary compensatory amounts during the first quarter of the year in which the marketing year in question commences.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 175, 4. 7. 1991, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 4.

⁽⁵⁾ OJ No L 53, 1. 3. 1986, p. 15.

3. The coefficients calculated in accordance with paragraph 1 shall be as set out in Annex II.

Article 3

Where processing takes place outside the Member State in which the produce was grown, such Member State shall furnish proof to the Member State paying the production

aid that the minimum price payable to the producer has been paid.

Article 4

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, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum price to be paid to producers

Product	Ecus/100 kg net, ex producer	
	Spain	Other Member States
Peaches intended for the manufacture of peaches in syrup and/or natural fruit juice	26,089	26,738

Production aid

Product	Ecus/100 kg net, for products obtained from raw materials grown in	
	Spain (¹)	Other Member States (²)
Peaches in syrup and/or natural fruit juice	10,894	11,543

(¹) The amount shown in this column is applicable only when the products are processed in Spain. In cases where such products are processed outside Spain, no production aid is applicable.

(²) The amount shown in this column is applicable only when the products are processed in a Member State other than Spain. In cases where such products are processed in Spain, no production aid is applicable.

ANNEX II

The coefficients referred to in Article 2 (3) of Regulation (EEC) No 2137/90 for the 1991/92 marketing year

Bfrs	1,0
Dkr	1,0
DM	1,0
Dr	1,0125
Pta	1,0271
FF	1,0
£ Irl	1,0
Lit	1,0
Fl	1,0
Esc	1,0087
£	0,9872

COMMISSION REGULATION (EEC) No 2289/91

of 30 July 1991

fixing for the 1991/92 marketing year the minimum price to be paid to producers for Williams and Rocha pears and the amount of production aid for such pears in syrup and/or natural fruit juice

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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1943/91⁽²⁾, and in particular Articles 4 (4) and 5 (5) thereof,

Whereas Council Regulation (EEC) No 1206/90⁽³⁾, as amended by Regulation (EEC) No 2202/90⁽⁴⁾, lays down general rules for the system of production aid for processed fruit and vegetables;

Whereas, under Article 4 (1) of Regulation (EEC) No 426/86, the minimum price to be paid to producers is to be determined on the basis of, firstly, the minimum price applying during the previous marketing year, secondly, the movement of basic prices in the fruit and vegetable sector, and thirdly, the need to ensure the normal marketing of fresh products for the various uses, including supply of the processing industry;

Whereas Article 5 of Regulation (EEC) No 426/86 lays down the criteria for fixing the amount of production aid; whereas account must, in particular, be taken of the aid fixed for the previous marketing year adjusted to take account of changes in the minimum price to be paid to producers and the difference between the cost of the raw material in the Community and in the major competing third countries;

Whereas Article 4 of Regulation (EEC) No 1206/90 provides for the establishment of a system of monetary adjustment with the aim of correcting production aid by the impact, on the minimum price minus the aid, of the differences between the agricultural conversion rate and the average of the market exchange rates during a period to be determined; whereas, in view of the current market

situation and in order to ensure normal competition with third countries, such a system of adjustment should be implemented by applying a coefficient to the aid;

Whereas the minimum price to be paid to producers in Spain and Portugal and the production aid for the products obtained are to be determined as provided for in Articles 118 and 304 of the Act of Accession; whereas the representative period for determining the minimum price is laid down in Council Regulation (EEC) No 461/86 of 25 February 1986 laying down, on account of the accession of Spain and Portugal, rules on the production aid system in respect of processed fruit and vegetables⁽⁵⁾; whereas the application of these provisions leads to the result that the minimum price and the aid to be fixed for Spain and Portugal are different from those to be fixed for the other Member States.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year:

- (a) the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 to be paid to producers for Williams and Rocha pears; and
- (b) the production aid referred to in Article 5 of the same Regulation for Williams and Rocha pears in syrup and/or in natural fruit juice,

shall be as set out in Annex I.

Article 2

1. A coefficient equal to the impact on the cost price of the difference between the average market exchange rate and the agricultural conversion rate applicable at the beginning of the marketing year shall be applied to production aid.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 175, 4. 7. 1991, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 4.

⁽⁵⁾ OJ No L 53, 1. 3. 1986, p. 15.

2. For the application of paragraph 1 :

- 'cost price' means the minimum price to pay to the producer less the aid,
- 'average market exchange rate' means the average of the rates used to calculate the monetary compensatory amounts during the first quarter of the year in which the marketing year in question commences.

3. The coefficients calculated in accordance with paragraph 1 shall be as set out in Annex II.

Article 3

Where processing takes place outside the Member State in which the produce was grown, such Member State shall furnish proof to the Member State paying the production aid that the minimum price payable to the producer has been paid.

Article 4

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, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum price to be paid to producers

Product	Ecus/100 kg net, ex producer		
	Spain	Portugal	Other Member States
Williams and Rocha pears intended for the manufacture of pears in syrup and/or natural fruit juice	29,242	29,128	31,671

Production aid

Product	Ecus/100 kg net, for raw products obtained from raw materials grown in		
	Spain	Portugal	Other Member States
Williams and Rocha pears in syrup and/or natural fruit juice	17,174	17,069	19,423

ANNEX II

Coefficients referred to in Article 2 (3) of Regulation (EEC) No 2136/90 for the 1991/92 marketing year

Bfrs	1
Dkr	1,0
DM	1,0
Dr	1,0048
Pta	1,0112
FF	1,0
£ Irl	1,0
Lit	1,0
Fl	1,0
Esc	1,0038
£	0,9950

COMMISSION REGULATION (EEC) No 2290/91

of 30 July 1991

fixing for the 1991/92 marketing year the amount of the aid for the cultivation of certain varieties of grape intended for drying

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1943/91 ⁽²⁾, and in particular Article 6 (6) thereof,

Whereas, under Article 6 of Regulation (EEC) No 426/86, new aid arrangements in respect of specialized areas for the cultivation of sultanas, currants and muscatels took effect as from the 1990/91 marketing year; whereas these arrangements will gradually replace the system of production aid provided for in Article 6a;

Whereas, under Article 6a (1) of the abovementioned Regulation, per hectare aid may, for the 1991/92 marketing year, account for only 30 % of the minimum price to be paid to producers for the 1989/90 marketing year; whereas the Community aid per hectare should be set at the level laid down in this Regulation;

Whereas Article 6 (1), third subparagraph, of Regulation (EEC) No 426/86 provides for the possibility to differentiate the amount of aid on the basis of the varieties of grapes and on other factors which may affect yield; whereas it is appropriate to provide such a differentiation by a coefficient derived from the ratio of average yield by category to total average yield;

Whereas, however, it is appropriate to provide that areas having a yield lower than one-third of average yield differentiated for the varieties concerned shall not be considered as specialized areas for the application of the aid arrangements; whereas therefore aid shall not be granted for the cultivation of such areas;

Whereas it is necessary to determine the aid to be granted to producers who replant their vineyards in order to combat phylloxera under the conditions laid down in Article 6 (4) of Regulation (EEC) No 426/86;

Whereas verification of the areas used for growing these grapes has revealed no overrun of the maximum guaranteed area fixed in Article 4 of Commission Regulation (EEC) No 2911/90 of 9 October 1990 laying down detailed rules of application for aid for the production of certain varieties of grapes for drying ⁽³⁾;

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

Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1991/92 marketing year, the per hectare aid for the cultivation of sultanas, currants and muscatels intended for processing pursuant to Article 6 of Regulation (EEC) No 426/86 shall be ECU 1 023 per hectare of specialized area harvested.

For each variety the amount of aid shall be adjusted by the coefficient listed in the Annex.

2. For the application of Article 6 (6) of Regulation (EEC) No 426/86, areas having a yield per hectare less than:

- 1 000 kilograms of dried grapes for sultanas,
- 750 kilograms of dried grapes for currants,
- 200 kilograms of dried grapes for muscatels,

shall not be considered as specialized areas. The aid shall not be paid for the cultivation of the abovementioned products on these areas.

3. Member States shall take all necessary measures for checking this minimum yield.

Article 2

Pursuant to Article 6 (4) of Regulation (EEC) No 426/86, the per hectare aid to be granted to producers who replant their vineyards in order to combat phylloxera and who do not receive the aid provided for under the operational programme to combat that disease shall be ECU 3 244 per hectare.

The Member States concerned take the administrative provisions needed for the granting of this aid.

Article 1 (2) shall not apply in such cases.

Article 3

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

It shall apply from 1 September 1991.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 175, 4. 7. 1991, p. 1.

⁽³⁾ OJ No L 278, 10. 10. 1990, p. 35.

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

Done at Brussels, 30 July 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Coefficients applicable for varieties of dried grapes

Variety	Coefficient
Sultanas	1,1507
Currants	0,9497
Muscatels	0,3277

COMMISSION REGULATION (EEC) No 2291/91
of 30 July 1991

**fixing for the 1991/92 marketing year the minimum price to be paid to
producers for unprocessed sultanas, currants and muscatels and the amount of
production aid for dried grapes**

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

Having regard to Council Regulation (EEC) No 426/86 of
24 February 1986 on the common organization of the
market in products processed from fruit and vegetables ⁽¹⁾,
as last amended by Regulation (EEC) No 1943/91 ⁽²⁾, and
in particular Articles 4 (4) and 6a (5) thereof,

Whereas Council Regulation (EEC) No 1206/90 ⁽³⁾, as
amended by Regulation (EEC) No 2202/90 ⁽⁴⁾, lays down
general rules for the system of production aid for
processed fruit and vegetables;

Whereas, under Article 6a (1) of Regulation (EEC) No
426/86, the minimum price to be paid to producers is
reduced by ECU 19,941 per 100 kg per marketing year,
from the 1990/91 marketing year and up to the 1993/94
marketing year; whereas Article 6 of the said Regulation
provides for the gradual introduction of a per hectare aid
for the cultivation of these grapes;

Whereas Article 6a (2) of Regulation (EEC) No 426/86
lays down the criteria for fixing the amount of production
aid; whereas account must, in particular, be taken of the
aid fixed for the previous marketing year adjusted to take
account of changes in the minimum price to be paid to
producers and, if necessary, the pattern of processing costs
assessed on a flat-rate basis; whereas a minimum import
price is applicable in respect of dried grapes pursuant to
Article 9 of the same Regulation; whereas the third
country price must be replaced by this price;

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

Committee for Products Processed from Fruit and Veg-
etables,

HAS ADOPTED THIS REGULATION:

Article 1

For the marketing year 1991/92:

- (a) the minimum price referred to in Article 4 of Regula-
tion (EEC) No 426/86 to be paid to producers for
unprocessed dried sultanas of category 4; and
- (b) the production aid referred to in Article 5 of the same
Regulation for processed dried sultanas of category 4

shall be as set out in the Annex hereto.

Article 2

For the marketing year 1991/92, the minimum price for
unprocessed dried grapes for the other categories of
sultanas, currants and for muscatels shall be fixed on the
basis of the coefficient by application set out in Annex I
to Commission Regulation (EEC) No 2347/84 ⁽⁵⁾, as last
amended by Regulation (EEC) No 2250/88 ⁽⁶⁾.

Article 3

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

It shall apply from 1 September 1991.

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

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 175, 4. 7. 1991, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 4.

⁽⁵⁾ OJ No L 219, 16. 8. 1984, p. 1.

⁽⁶⁾ OJ No L 228, 17. 8. 1988, p. 5.

*ANNEX***Minimum price to be paid to producers**

Product	ECU/100 kg net, ex producer
Unprocessed sultanas of category 4	93,060

Production aid

Product	ECU/100 kg net
Dried sultanas of category 4	45,737

COMMISSION REGULATION (EEC) No 2292/91

of 30 July 1991

laying down detailed rules for applying the supplementary trade mechanism to imports of rice into Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 251 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,Whereas Council Regulation (EEC) No 3659/90 of 11 December 1990 on products subject to the supplementary trade mechanism during the second stage of Portuguese accession⁽³⁾, as last amended by Council Regulation (EEC) No 1715/91⁽⁴⁾, provides that the STM is to apply during the second stage on the terms set out in Articles 250, 251 and 252 of the Act of Accession;

Whereas Article 251 (1) of the Act of Accession provides for the fixing of a target import ceiling taking into account Portugal's traditional import flows and the gradual opening up of the Portuguese market; whereas monthly target ceilings should be fixed in order to facilitate the disposal of Portuguese production; whereas the quantity of rice falling within CN code 1006 30 should be fixed as a subtotal of this;

Whereas the target ceiling is to be fixed in tonnes of husked-rice equivalent; whereas it should be specified that the conversion rates referred to in Article 1 of Commission Regulation No 467/67/EEC of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing⁽⁵⁾, as last amended by Regulation (EEC) No 2325/88⁽⁶⁾, apply for converting to tonnes of husked-rice equivalent the quantities given in STM licences as issued;

Whereas, to prevent speculative applications for STM licences, the validity of such licences should be fixed at a relatively short duration which is sufficient for the completion of the import operation(s) under normal conditions; whereas, to ensure that licence obligations are properly observed, holders of STM licences should be required to lodge a security;

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

HAS ADOPTED THIS REGULATION:

Article 1

The measures provided for in this Regulation shall apply to the products referred to in point 7 of the Annex to Regulation (EEC) No 3659/90.

Article 2

1. The target ceiling referred to in Article 251 of the Act of Accession is hereby fixed at 90 000 tonnes of husked-rice equivalent for the 1991/92 marketing year.

2. As a subtotal of the quantity referred to in paragraph 1, the target ceiling for products falling within CN code 1006 30 is hereby fixed at 25 %.

3. The conversion rates provided for in Article 1 of Regulation No 467/67/EEC shall apply for converting to husked-rice equivalent the quantities covered by STM licences.

Article 3

The quantities referred to in Article 1 (2) and (3) shall be broken down into equal quantities for each month of the period referred to in Article 2 (1). Quantities not allocated in the course of one month shall be carried over to the following month.

Article 4

1. STM licences for imports of rice shall be valid from the date of issue until the end of the second month following their issue.

2. Applications for STM licences shall be accompanied by the lodging of a security of 10 Ecus per tonne of rice covered.

*Article 5*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be applicable as from the 1 September 1991.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.⁽³⁾ OJ No L 362, 27. 12. 1990, p. 38.⁽⁴⁾ OJ No L 162, 26. 6. 1991, p. 17.⁽⁵⁾ OJ No L 204, 24. 8. 1967, p. 1.⁽⁶⁾ OJ No L 202, 27. 7. 1988, p. 41.

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

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2293/91**of 29 July 1991****amending Regulation (EEC) No 964/91 of 18 April 1991 concerning the
classification of certain goods in the combined nomenclature**

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

Having regard to Council Regulation (EEC) No
2658/87 ⁽¹⁾ on the tariff and statistical nomenclature and
on the Common Customs Tariff, as last amended by
Regulation (EEC) No 1056/91 ⁽²⁾, and in particular Article
9,

Whereas Commission Regulation (EEC) No 946/91 of 18
April 1991 ⁽³⁾, which classified, amongst other items,
certain mushrooms in CN code 2003 10 10, is applicable
in this respect from 1 August 1991; whereas it appears
desirable, for reasons connected with the Common
Commercial Policy, to postpone this date of application
for three months; whereas it is appropriate to amend
Regulation (EEC) No 946/91 accordingly;

Whereas the Nomenclature Committee has not delivered
an opinion within the time set by the chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The date of 1 August 1991 appearing in Article 2 (2) of
Regulation (EEC) No 964/91 shall be replaced by 1
November 1991.

Article 2

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 29 July 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 107, 27. 4. 1991, p. 10.

⁽³⁾ OJ No L 100, 20. 4. 1991, p. 14.

COMMISSION REGULATION (EEC) No 2294/91

of 30 July 1991

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 1

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 8 July 1991, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 1 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat⁽⁵⁾ the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 8 July 1991, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 1, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 8 July 1991, the level of the premium is fixed at ECU 85,644 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 8 July 1991, the amounts to be charged shall be equivalent to those fixed in the Annexes 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 8 July 1991.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 July 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	40,253	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	85,644	0
0204 21 00	85,644	0
0204 50 11		0
0204 22 10	59,951	
0204 22 30	94,208	
0204 22 50	111,337	
0204 22 90	111,337	
0204 23 00	155,872	
0204 30 00	64,233	
0204 41 00	64,233	
0204 42 10	44,963	
0204 42 30	70,656	
0204 42 50	83,503	
0204 42 90	83,503	
0204 43 00	116,904	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	111,337	
0210 90 19	155,872	
1602 90 71 :		
— unboned (bone-in)	111,337	
— boned or boneless	155,872	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 2295/91
of 30 July 1991
fixing the import levies 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 1630/91 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1653/91 ⁽³⁾, as last amended by Regulation (EEC) No 2051/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1653/91 to the prices

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 referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 30 July 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 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 22.

⁽⁴⁾ OJ No L 187, 13. 7. 1991, p. 13.

ANNEX

to the Commission Regulation of 30 July 1991 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		17,97
0401 10 90		16,76
0401 20 11		24,65
0401 20 19		23,44
0401 20 91		29,96
0401 20 99		28,75
0401 30 11		76,45
0401 30 19		75,24
0401 30 31		146,63
0401 30 39		145,42
0401 30 91		245,55
0401 30 99		244,34
0402 10 11	(*)	128,04
0402 10 19	(*)	120,79
0402 10 91	(*)(*)	1,2079/kg + 26,74
0402 10 99	(*)(*)	1,2079/kg + 19,49
0402 21 11	(*)	181,95
0402 21 17	(*)	174,70
0402 21 19	(*)	174,70
0402 21 91	(*)	222,57
0402 21 99	(*)	215,32
0402 29 11	(*)(*)(*)	1,7470/kg + 26,74
0402 29 15	(*)(*)	1,7470/kg + 26,74
0402 29 19	(*)(*)	1,7470/kg + 19,49
0402 29 91	(*)(*)	2,1532/kg + 26,74
0402 29 99	(*)(*)	2,1532/kg + 19,49
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	146,63
0402 91 59	(*)	145,42
0402 91 91	(*)	245,55
0402 91 99	(*)	244,34
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*)(*)	1,4300/kg + 23,12
0402 99 39	(*)(*)	1,4300/kg + 21,91
0402 99 91	(*)(*)	2,4192/kg + 23,12
0402 99 99	(*)(*)	2,4192/kg + 21,91
0403 10 02		128,04
0403 10 04		181,95

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

CN code	Note	Import levy
0403 10 06		222,57
0403 10 12	(¹)	1,2079/kg + 26,74
0403 10 14	(¹)	1,7470/kg + 26,74
0403 10 16	(¹)	2,1532/kg + 26,74
0403 10 22		27,06
0403 10 24		32,37
0403 10 26		78,86
0403 10 32	(¹)	0,2102/kg + 25,53
0403 10 34	(¹)	0,2633/kg + 25,53
0403 10 36	(¹)	0,7282/kg + 25,53
0403 90 11		128,04
0403 90 13		181,95
0403 90 19		222,57
0403 90 31	(¹)	1,2079/kg + 26,74
0403 90 33	(¹)	1,7470/kg + 26,74
0403 90 39	(¹)	2,1532/kg + 26,74
0403 90 51		27,06
0403 90 53		32,37
0403 90 59		78,86
0403 90 61	(¹)	0,2102/kg + 25,53
0403 90 63	(¹)	0,2633/kg + 25,53
0403 90 69	(¹)	0,7282/kg + 25,53
0404 10 11		25,01
0404 10 19	(¹)	0,2501/kg + 19,49
0404 10 91	(²)	0,2501/kg
0404 10 99	(²)	0,2501/kg + 19,49
0404 90 11		128,04
0404 90 13		181,95
0404 90 19		222,57
0404 90 31		128,04
0404 90 33		181,95
0404 90 39		222,57
0404 90 51	(¹)	1,2079/kg + 26,74
0404 90 53	(¹) (²)	1,7470/kg + 26,74
0404 90 59	(¹)	2,1532/kg + 26,74
0404 90 91	(¹)	1,2079/kg + 26,74
0404 90 93	(¹) (²)	1,7470/kg + 26,74
0404 90 99	(¹)	2,1532/kg + 26,74
0405 00 10		253,21
0405 00 90		308,92
0406 10 10	(¹)	233,89
0406 10 90	(¹)	285,03
0406 20 10	(³) (⁴)	378,42
0406 20 90	(⁴)	378,42
0406 30 10	(³) (⁴)	185,85
0406 30 31	(³) (⁴)	175,40
0406 30 39	(³) (⁴)	185,85
0406 30 90	(³) (⁴)	282,57

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

CN code	Note	Import levy
0406 40 00	(³)(⁴)	148,14
0406 90 11	(³)(⁴)	223,89
0406 90 13	(³)(⁴)	180,59
0406 90 15	(³)(⁴)	180,59
0406 90 17	(³)(⁴)	180,59
0406 90 19	(³)(⁴)	378,42
0406 90 21	(³)(⁴)	223,89
0406 90 23	(³)(⁴)	188,31
0406 90 25	(³)(⁴)	188,31
0406 90 27	(³)(⁴)	188,31
0406 90 29	(³)(⁴)	188,31
0406 90 31	(³)(⁴)	188,31
0406 90 33	(⁴)	188,31
0406 90 35	(³)(⁴)	188,31
0406 90 37	(³)(⁴)	188,31
0406 90 39	(³)(⁴)	188,31
0406 90 50	(³)(⁴)	188,31
0406 90 61	(⁴)	378,42
0406 90 63	(⁴)	378,42
0406 90 69	(⁴)	378,42
0406 90 71	(⁴)	233,89
0406 90 73	(⁴)	188,31
0406 90 75	(⁴)	188,31
0406 90 77	(⁴)	188,31
0406 90 79	(⁴)	188,31
0406 90 81	(⁴)	188,31
0406 90 83	(⁴)	188,31
0406 90 85	(⁴)	188,31
0406 90 89	(³)(⁴)	188,31
0406 90 91	(⁴)	233,89
0406 90 93	(⁴)	233,89
0406 90 97	(⁴)	285,03
0406 90 99	(⁴)	285,03
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		93,01
2309 10 19		120,79
2309 10 39		113,19
2309 10 59		93,40
2309 10 70		120,79
2309 90 35		93,01
2309 90 39		120,79
2309 90 49		113,19
2309 90 59		93,40
2309 90 70		120,79

-
- (¹) The levy on 100 kg of product falling within this code is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this code is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

COMMISSION REGULATION (EEC) No 2296/91
of 30 July 1991
fixing the amount of the subsidy on oil seeds

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2198/91⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1897/91⁽⁷⁾, as last amended by Regulation (EEC) No 2220/91⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1897/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ shall be as set out in the Annexes hereto.

2. However, the amount of the aid for 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 31 July 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 31 July 1991.

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

Done at Brussels, 30 July 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 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 207, 29. 7. 1991, p. 44.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 169, 29. 6. 1991, p. 16.

⁽⁸⁾ OJ No L 203, 26. 7. 1991, p. 66.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	18,052	18,330	18,608	17,386	16,331	16,609
— Portugal	25,022	25,300	25,578	24,356	23,301	23,579
— Other Member States	18,052	18,330	18,608	17,386	16,331	16,609
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	42,50	43,15	43,81	40,93	38,45	39,10
— Netherlands (Fl)	47,88	48,62	49,36	46,12	43,32	44,06
— BLEU (Bfrs/Lfrs)	876,54	890,04	903,54	844,20	792,97	806,47
— France (FF)	142,53	144,73	146,92	137,27	128,94	131,14
— Denmark (Dkr)	162,10	164,60	167,10	156,12	146,65	149,15
— Ireland (£ Irl)	15,864	16,108	16,352	15,278	14,351	14,596
— United Kingdom (£)	14,259	14,482	14,705	13,724	12,876	13,097
— Italy (Lit)	31 798	32 287	32 777	30 625	28 766	29 159
— Greece (Dr)	4 464,64	4 523,24	4 564,30	4 207,08	3 925,92	3 870,93
— Spain (Pta)	2 769,11	2 810,15	2 851,18	2 667,23	2 511,97	2 540,92
— Portugal (Esc)	5 296,43	5 336,73	5 383,74	5 123,18	4 906,75	4 926,56

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	19,302	19,580	19,858	18,636	17,581	17,859
— Portugal	26,272	26,550	26,828	25,606	24,551	24,829
— Other Member States	19,302	19,580	19,858	18,636	17,581	17,859
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	45,44	46,09	46,75	43,87	41,39	42,04
— Netherlands (Fl)	51,20	51,94	52,67	49,43	46,63	47,37
— BLEU (Bfrs/Lfrs)	937,23	950,73	964,23	904,90	853,67	867,17
— France (FF)	152,40	154,60	156,79	147,14	138,81	141,01
— Denmark (Dkr)	173,33	175,83	178,32	167,35	157,88	160,37
— Ireland (£ Irl)	16,962	17,206	17,451	16,377	15,450	15,694
— United Kingdom (£)	15,253	15,476	15,699	14,718	13,870	14,092
— Italy (Lit)	34 000	34 489	34 979	32 826	30 968	31 360
— Greece (Dr)	4 779,79	4 838,39	4 879,45	4 522,23	4 241,07	4 186,08
— Spain (Pta)	2 957,65	2 998,68	3 039,72	2 855,76	2 700,51	2 729,45
— Portugal (Esc)	5 557,28	5 597,58	5 644,59	5 384,02	5 167,59	5 187,40

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 7	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)
1. Gross aids (ECU):					
— Spain	26,009	25,819	26,156	25,121	25,452
— Portugal	35,024	33,003	33,334	32,318	32,649
— Other Member States	22,784	20,763	21,094	20,078	20,409
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	53,64	48,88	49,66	47,27	48,05
— Netherlands (Fl)	60,44	55,08	55,95	53,26	54,14
— BLEU (Bfrs/Lfrs)	1 106,31	1 008,17	1 024,25	974,91	990,99
— France (FF)	179,89	163,94	166,55	158,53	161,14
— Denmark (Dkr)	204,60	186,45	189,42	180,30	183,27
— Ireland (£ Irl)	20,022	18,246	18,537	17,644	17,935
— United Kingdom (£)	17,321	16,386	16,652	15,837	16,100
— Italy (Lit)	40 133	36 573	37 156	35 366	35 949
— Greece (Dr)	4 400,04	5 106,15	5 151,25	4 837,47	4 921,43
— Portugal (Esc)	7 406,80	6 960,20	7 015,28	6 794,54	6 863,49
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 078,42	3 953,02	4 002,79	3 845,52	3 895,32
— in another Member State (Pta)	4 148,60	4 020,00	4 068,85	3 914,49	3 964,29

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

(2) For seed harvested in Member States other than Spain and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0186140.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
DM	2,055470	2,053680	2,052340	2,051140	2,051140	2,047990
Fl	2,315170	2,313350	2,311940	2,310600	2,310600	2,306590
Bfrs/Lfrs	42,307600	42,269100	42,235000	42,207400	42,207400	42,137300
FF	6,980830	6,977570	6,974720	6,971320	6,971320	6,960300
Dkr	7,949870	7,945710	7,942800	7,939290	7,939290	7,929510
£Irl	0,768508	0,768512	0,768413	0,768420	0,768420	0,767470
£	0,694893	0,695589	0,696110	0,696577	0,696577	0,697112
Lit	1 530,27	1 532,08	1 533,87	1 535,68	1 535,68	1 543,10
Dr	224,78900	226,74400	228,73800	230,98100	230,98100	237,83500
Esc	176,10600	178,01900	178,65800	179,25000	179,25000	181,33500
Pta	128,51700	128,83200	129,11600	129,36200	129,36200	130,03400

COMMISSION REGULATION (EEC) No 2297/91
of 30 July 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 1849/91⁽³⁾, as last amended by Regulation (EEC) No 2282/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1849/91 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 29 July 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 31 July 1991.

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

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 5. 7. 1991, p. 14.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 16.

⁽⁴⁾ OJ No L 208, 30. 7. 1991, p. 60.

⁽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 30 July 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,55 ⁽¹⁾
1701 11 90	32,55 ⁽¹⁾
1701 12 10	32,55 ⁽¹⁾
1701 12 90	32,55 ⁽¹⁾
1701 91 00	39,11
1701 99 10	39,11
1701 99 90	39,11 ⁽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 2298/91
of 30 July 1991
fixing the aid for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 1724/91 ⁽²⁾, and in particular Article 2(7) thereof,

Whereas the amount of the aid referred to in Article 2(1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 1885/91 ⁽³⁾, as last amended by Regulation (EEC) No 2187/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1885/91 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

Article 1

1. The amount of the aid provided for in Article 2 of Regulation (EEC) No 1491/85 shall be as set out in the Annex hereto.

2. However, the amount of the aid for the 1991/92 marketing year for soya seed shall be confirmed or replaced with effect from 31 July 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 31 July 1991.

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

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 July 1991 fixing the aid for soya beans

(ECU/100 kg)

	Current period 7	First period 8	Second period 9 ⁽¹⁾	Third period 10 ⁽¹⁾	Fourth period 11 ⁽¹⁾	Fifth period 12 ⁽¹⁾
Seed harvested:						
— Spain	15,407	15,407	16,240	16,071	16,014	16,052
— another Member State	20,951	20,951	20,054	19,885	19,828	19,866

⁽¹⁾ Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 35.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 86.

⁽⁴⁾ OJ No L 202, 25. 7. 1991, p. 27.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 June 1991

accepting undertakings given in connection with the anti-dumping proceeding concerning imports of certain asbestos cement pipes originating in Turkey, and terminating the investigation

(91/392/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 10 thereof,

Having regard to Article 47 of the Additional Protocol to the EEC-Turkey Association Agreement⁽²⁾,

After consultations within the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

(1) In December 1989 the Commission received a complaint lodged by the Association of the Italian asbestos cement pipes producers (Uniontubi) on behalf of the producers representing the whole production in Italy of this product. The complaint contained evidence of dumping of the product concerned originating in Turkey and of injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice

published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports of certain asbestos cement pipes falling within CN code ex 6811 30 00 originating in Turkey and subsequently commenced an investigation.

(2) The Commission officially so advised the exporter and importer known to be concerned, the representatives of the exporting country and the complainant Italian producers and gave the parties concerned the opportunity to answer the questionnaires addressed to them, to make known their views in writing and to request a hearing.

(3) The Italian producers, the exporter and the importer returned the questionnaires to the Commission duly completed. The exporter made its views known in writing. The complainant and the exporter requested and were granted hearings.

(4) The Commission sought and verified all information it deemed necessary for the purpose of establishing the facts and carried out investigations at the premises of the following companies :

Community producers :

- Fibronit SRL — Italy,
- Tecnotubi SPA — Italy,
- Nuova Sacelit SPA — Italy.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 3.

⁽³⁾ OJ No C 63, 13. 3. 1990, p. 4.

Exporter:

— Elyafli cemento sanayi ve ticaret AS — Turkey.

Importer:

— Società del gres ing. sala SPA — Italy.

- (5) The investigation of dumping covered the period from 1 March 1989 to 28 February 1990 (investigation period).

B. COMMUNITY INDUSTRY

- (6) The Italian producers on behalf of which the complaint was lodged sold almost all of their production of the products in question in Italy. The demand in Italy for these products was not to any substantial degree supplied by producers located elsewhere in the Community. In addition, imports into the Community of the products concerned originating in Turkey allegedly being dumped and causing injury were concentrated on the Italian market.

Given the above exceptional circumstances, pursuant to Article 4 (5) of Regulation (EEC) No 2423/88, the Community is, for the production in question, divided into two different competitive markets which are the domestic Italian market and the extra-Italy Community market. Consequently, the producers within each of these two markets are regarded as a Community industry.

Therefore, the Community industry allegedly being injured refers to that represented by the Italian market which is the only one concerned by this proceeding.

C. PRODUCT UNDER CONSIDERATION**(i) Description of the product**

- (7) The products which are the subject of the investigation are asbestos cement pipes and were imported under two categories, sewer pipes for sewerage and pressure pipes of a kind used for drinking water and irrigation, with joints and rubber rings. Within each of these two categories, there is a wide range of product types depending on the class and diameter of the pipe. These differences are outweighed by the fact that all pipes have the same basic physical characteristics. All types are manufactured using the same technology and on the same equipment. Raw materials used for all types are identical. Therefore, all pipes can be considered as one single product for the purpose of this proceeding.

(ii) Like product

- (8) The Commission verified that the pipes produced in Italy use the same basic technology as those exported from Turkey and are alike in their essential physical and technical characteristics as well as in their uses.

D. DUMPING**(i) Normal Value**

- (9) In all cases, normal value was determined on a monthly basis to take account of the high inflation rate in Turkey. Of the two categories of pipe imported into Italy, sewer and pressure pipes, only the latter was sold on the domestic market of the exporting country during the investigation period. As a result, normal value was established on a different basis for each of the two categories of the product concerned.
- (10) With regard to pressure pipes, normal value was generally established on the basis of the weighted average domestic prices of comparable product types sold in sufficient quantities for each month of the investigation period and in the ordinary course of trade. These domestic prices were net of all discounts and rebates actually granted where were found to be directly linked to the sales under consideration.
- (11) For all sewer pipes which, as indicated, were not sold in the Turkish market during the investigation period, as well as for certain types of pressure pipes exported in a particular month but not domestically sold in that month, normal value was established on the basis of the constructed value, i.e. cost of production plus a reasonable profit margin.

Different monthly constructed normal values were determined for each category of pipe. This was done by adding to the cost of production, on the basis of all costs, a reasonable amount for selling, administrative and general expenses and profit calculated by reference to the expenses incurred and the profit realized by the Turkish exporter concerned on sales of pressure pipes on its domestic market.

(ii) Export prices

- (12) Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to Italy.

On this basis, export prices were established for representative product types and transactions covering nearly 80 % of total sales made to the independent customer in Italy during the investigation period.

(iii) Comparison

- (13) The monthly normal values per product type were compared with export prices for the corresponding type on a transaction-by-transaction basis. All comparisons were made at ex-works level.

For the purpose of a fair comparison between normal values and export prices, account was taken where appropriate of differences affecting price comparability, such as differences in import charges and in selling expenses resulting from sales made under different conditions and terms of sale, where claims of a direct relationship between these differences and the sales under consideration could be satisfactorily demonstrated. Accordingly, adjustments were made for differences in import charges borne by materials physically incorporated in the like product when destined for consumption in Turkey and not collected in respect of the product exported to Italy. Allowance was also made for differences in transport, insurance, handling, loading and ancillary costs, payment terms, warranty expenses and technical assistance expenses.

(iv) Dumping margins

- (14) This comparison revealed the existence of dumping in respect of imports into Italy of certain asbestos cement pipes originating in Turkey on the part of the only Turkish exporter concerned, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to Italy.

The margins of dumping varied according to the product type, and expressed as a percentage of the free-at-Italian-border export prices, on a weighted average basis during the investigation period amounted to 5,12 %.

E. INJURY

- (15) The evidence available to the Commission shows that imports into Italy of certain asbestos cement pipes originating in Turkey, which were not present on the Italian market in 1986 and 1987, increased from 3 300 tonnes in the period from March 1988 to February 1989 to 7 300 tonnes during the investigation period (March 1989 to February 1990). The development of these imports, assessed in the light of that on the Italian consumption over the same periods, led to an

8,1 % share of the Italian market held by imports from Turkey during the investigation period.

- (16) Resale prices into Italy of the imported product from Turkey were significantly below the average prices practised by the Italian producers during the investigation period. The Commission established price undercutting by comparing, at the same level of trade (CIF delivered to Italian customer), resale prices into Italy of the imported product with prices charged by Italian producers for similar representative product types. The margins of undercutting found varied, depending on the product type, up to a maximum of 15,3 % and amounted on a weighted average basis to 8,7 %.
- (17) The low level of import prices forced the Italian producers to sell the product on the Italian market at prices which either did not allow, in some cases, a reasonable profit to be made, or, in most cases, did not cover the Italian producers' costs of production. The prices of these imports not only denied the Italian producers price increases which normally would have occurred during 1988 and 1989 to keep in line with the evolution of costs of production, but obliged the Italian producers to decrease their prices since the end of 1988 in an attempt to maintain their market shares.
- (18) As far as the situation of the Italian industry is concerned, account had to be taken of the following factors :

- (a) although production and domestic sales of the product concerned by the Italian producers increased respectively by 21 % and 24,2 % during the investigation period when compared to the previous 12 months, these increases have to be measured against a growth in Italian consumption of 31 % over the same period. As a result, the share of the Italian market held by the Italian producers declined from 81,7 % in the period from March 1988 to February 1989 to 77,6 % during the investigation period ;

- (b) the presence on the Italian market of the low-priced imports concerned prevented the Italian producers from taking greater advantage of the increase in consumption and, therefore, to improve the rate of capacity utilization which, during the investigation period reached, on average, the very low level of 54 %. The combined by these imports on the Italian industry has been a general decrease in profitability in 1988, a decrease in market share in 1989 and losses suffered by all Italian producers in the same year.

- (19) On the basis of the relevant economic factors referred to above, it appears that the situation of the Italian industry has been adversely affected. This is especially demonstrated by a loss of market share and profitability. In these circumstances, it is concluded that the Italian industry has been suffering material injury.

F. CAUSATION OF INJURY

- (20) As far as the causal link between the dumped imports and the material injury is concerned, the Commission found that there is a clear parallelism and simultaneity between the increase in the volume of dumped imports from Turkey and the deterioration of the financial situation of the Italian producers. The arrival and rapid penetration of the low-priced Turkish exports to the Italian market also corresponds with the decrease in the market presence of the Italian producers.
- (21) The Commission has examined whether the injury suffered by the Italian industry has been caused by factors other than the dumped imports such as imports from other countries or the low capacity utilization prevailing in the Italian market during the last years.
- (22) It was found that the market share of imports into Italy from other third countries decreased from 17,3 % in the period from March 1987 to February 1988 to 11,6 % in the following 12 months and to 8,8 % during the investigation period. This substantial decline in market share leads the Commission to consider that imports from other third countries did not have any injurious effect on the Italian industry. Moreover, there has been no indication that these imports have been made at dumped prices.
- (23) Imports into Italy originating in other Community countries led to market shares increasing from 1,4 % in the period from March 1987 to February 1988 to 1,9 % in the following 12 months and reached 5,5 % during the investigation period. However, it was found that these imports have been made at prices higher than those charged by the Italian producers and were concentrated in certain segments of the Italian market. Therefore, they are not likely to explain the Italian producers' price erosion and loss of market share and profitability.
- (24) The substantial overcapacity shown by most of the Italian producers during the last years existed already before imports from Turkey first entered the Italian market. In that sense the precarious financial situation of the Italian industry may also have been influenced by the low capacity utilization which characterized the Italian industry in that period. However, it clearly appears that the presence of the dumped imports prevented the Italian producers from further increases in production and sales and thus from higher utilization of capacity which would have occurred had greater advantage of the increase in Italian consumption since 1987 been taken.
- (25) Consideration was also given to the effect on the Italian industry in recent years of environmental problems posed by products containing asbestos which are being progressively replaced by alternative products. However, the Commission has concluded that this situation mainly represents a threat to the future of the production of asbestos cement pipes insofar as some of their uses are concerned and did not significantly affect the injurious impact of the dumped imports originating in Turkey.
- (26) In view of the increase in the Italian market share held by the dumped imports originating in Turkey and their adverse effect on the situation of the Italian producers, the Commission concludes that these imports, taken in isolation, caused material injury to the Italian industry. As already indicated, this conclusion does not imply that all ascertained difficulties of the Italian industry should necessarily be imputed to this cause, rather than to overcapacity of most of the Italian producers or to environmental disadvantages of the product concerned. However, according to Article 4 of Regulation (EEC) No 2423/88, it is possible to attribute to the exporter concerned responsibility for the injury caused by dumping even if this injury is merely apart of more extensive injury attributable to other factors. Article 4 only required that other possible causal factors of injury should not be ascribed to the dumped imports.

G. COMMUNITY INTEREST

- (27) In assessing whether it is in the interest of the Community to take measures against the dumped imports, the Commission has noted that one of the Italian producers ceased to exist at the end of 1989, the financial situation of the remaining producers in Italy is strongly deteriorating and the Italian market has been rapidly penetrated by the imports concerned. Should this trend continue, it could lead to a further worsening of the situation of the Italian industry concerned so impeding its ongoing restructuring and thus putting its survival at risk.

The Commission concludes that it is therefore in the interest of the Community to take measures in order to eliminate the injurious effects on the Italian producers of the dumped imports concerned.

H. PROTECTIVE MEASURES

- (28) The Commission considers, as discussed in recital 26 above, that it is inappropriate to impute the totality of the ascertained injury suffered by the Italian producers to dumped Turkish imports. These imports have, of course, affected indicators such as the price erosion and the losses incurred by the Italian industry in 1989, but the interpretation — and above all the quantification — of this effect is imprecise, owing to the presence of other factors operating at the same time and especially to the overcapacity shown by the majority of the Italian producers.
- (29) In order to avoid this difficulty, the Commission considers that injury should only be measured in terms of the price undercutting found for the prices of the imported product. When this undercutting, which is determined at a resale price level in recital 16 above, is expressed at the cif Italian border level, a weighted average margin of 9,35 % is arrived at. This individual threshold thus found represents the price increase at the Italian border necessary to remove the injury defined in terms of undercutting.

However, since the dumping margin established in this proceeding is lower than the injury threshold of 9,35 % it is considered appropriate, so as to eliminate as far as possible the injurious effect of the dumped imports, that the protective measures to be taken correspond to the dumping margin found.

I. PRICE UNDERTAKING

- (30) The Turkish exporter concerned was informed of the essential facts and considerations on the basis of which it was intended to take protective measures. Since the Community industry has been interpreted in this proceeding as referring to the producers in Italy only, the exporter in Turkey was given the opportunity to offer a price undertaking in respect of the Italian market in accordance with Article 13 (6) of Regulation (EEC) No 2423/88. Taking such opportunity the exporter concerned has offered a price undertaking which the Commission regards as acceptable, considering that the effect of this undertaking will be to increase the

prices of the product concerned to an extent sufficient to eliminate the margin of dumping found. In addition, it appears that correct operation of the undertaking can be effectively monitored.

Moreover, the Commission notes that in case of violation of this price undertaking it can impose a provisional duty in respect of the Community as a whole, and the Council a subsequent definitive duty based on the facts established in the present investigation and without carrying out new investigations concerning dumping and injury resulting therefrom.

- (31) Objections to this course were raised in the Advisory Committee by one Member State. Therefore, in conformity with the provisions of Articles 9 (1) and 10 (1) of Regulation (EEC) No 2423/88, the Commission submitted to the Council a report on the results of the consultation, together with a proposal that the undertakings be accepted and the investigation be terminated. As the Council has not decided otherwise within one month, the Commission can adopt the present Decision.
- (32) The Commission has notified the EEC-Turkey Association Council that the interests of the Community call for immediate action. Moreover, the Commission has applied to the Association Council that it address recommendations to the person or persons with whom abovementioned practices originate for the purpose of putting an end to them,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by Elyafli cimento sanayi ve tecaret AS — Istanbul, Turkey in connection with the anti-dumping proceeding concerning imports of certain asbestos cement pipes falling within CN code ex 6811 30 00 and originating in Turkey is hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding concerning imports of certain asbestos cement pipes originating in Turkey is hereby terminated.

Done at Brussels, 21 June 1991.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 30 July 1991

amending Decision 91/146/EEC concerning protective measures against cholera in Peru

(91/393/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, and in particular Article 19 thereof,

Whereas Commission Decision 91/146/EEC of 19 March 1991 concerning protective measures against cholera in Peru⁽²⁾, permits the importation into Community territory of certain consignments of fisheries products covered by appropriate guarantees given by the official Peruvian authorities;

Whereas in the particular case of trout produced and exported by Piscifactorias de Los Andes SA in the province of Concepción which has been declared free of cholera by the official Peruvian authorities the appropriate guarantees are satisfactory;

Whereas, nevertheless, each consignment exported to the Community should be accompanied by an attestation from the official authorities that the province is free of cholera;

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

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 91/146/EEC is replaced by the following:

'Article 2

The prohibition laid down in Article 1 shall not apply:

1. to consignments of sea fisheries products with the exception of bivalve molluscs and fishery products from artisanal fisheries originating in Peru and accompanied by an official certificate delivered by Cerper (public enterprise for the certification of fisheries products of Peru) comprising the following elements:

- number and date,
- description of consignment and nature of treatment,
- registration and approval number of the factory,
- attestation that the factory is subject to stringent inspection by officers of Cerper,
- attestation that the processing methods conform to Cerper circular 70-021/91 of 21 February 1991,
- signature of an official representative of Cerper;

2. consignments of rainbow trout (*salmo gairdneri*) produced by Piscifactorias de Los Andes SA and accompanied by the official certificate referred to in 1 together with an attestation from the Peruvian Ministry of Health that at the date of despatch no case of cholera had been detected in the province of Concepción.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 73, 20. 3. 1991, p. 34.

CORRIGENDA

Corrigendum to Commission Directive 91/325/EEC of 1 March 1991 adapting to technical progress for the twelfth time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

(Official Journal of the European Communities No L 180 of 8 July 1991)

On page 8, in Annex III:

for: 'R 7

ES: Puede provocar incendios.
DA: Kan forårsage brand.
DE: Kann Brand verursachen.
EL: Μπορεί να προκαλέσει πυρκαϊά.
EN: May cause fire.
FR: Peut provoquer un incendie.
IT: Può provocare un incendio.
NL: Kan brand veroorzaken.
PT: Pode provocar um incêndio.'

read: 'R 7

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