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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2810/91

of 23 September 1991

amending Regulation (EEC) No 2245/85 laying down certain technical measures for the conservation of fish stocks in the Antarctic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 2 of Regulation (EEC) No 170/83, the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation are to be formulated in the light of the available scientific advice;

Whereas the Convention on the Conservation of Antarctic Marine Living Resources, hereinafter called 'the Convention', was approved by Decision 81/691/EEC ⁽²⁾; whereas it entered into force for the Community on 21 May 1982;

Whereas the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), established by the Convention, adopted, on the recommendation of its Scientific Committee, conservation measures for the waters off South Georgia, providing for a total allowable catch (TAC) of 26 000 tonnes of *Champsocephalus gunnari* for the 1990/91 fishing year and a TAC of 2 500 tonnes of *Dissostichus eleginoides* for the period beginning on 2 November 1990, a prohibition on directed fishing for *Patagonotothen brevicauda guntheri*, *Nototothenia gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus* and *Nototothenia squamifrons* for the whole of the 1990/91 fishing year and for *Champsocephalus gunnari* from 1 April to 4 November 1991, a limitation of 500 tonnes on by-catches of *Nototothenia gibberifrons* and a limitation of 300 tonnes on by-catches

of *Nototothenia rossii*, *Chaenocephalus aceratus* and *Pseudochaenichthys georgianus*, a restriction to 5 % of by-catches per haul of any one of those species and a catch reporting system for the 1990/91 fishing year;

Whereas these conservation measures were notified to the members of the CCAMLR on 7 November 1990; whereas, in the absence of objections to the measures, they became binding on 7 May 1991 under Article IX (6) of the Convention;

Whereas the members of the CCAMLR stated that they intended to apply these conservation measures on a provisional basis, without waiting until they became binding, in view of the fact that the TAC for *Champsocephalus gunnari* and the prohibition on directed fishing for *Patagonotothen brevicauda guntheri*, *Nototothenia gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus* and *Nototothenia squamifrons* were fixed for the 1990/91 fishing year which began on 1 July 1990, and the TAC for *Dissostichus eleginoides* began on 2 November 1990;

Whereas, therefore, the necessary provisions should now be laid down to ensure that the conservation measures adopted by the CCAMLR are applied to Community fishermen;

Whereas, pursuant to Article 3 of Regulation (EEC) No 170/83, it is for the Council to establish the TAC per stock or group of stocks, the share available to the Community and the specific conditions under which catches have to be taken;

Whereas the fishing activities referred to in this Regulation are subject to the control measures provided for in Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽³⁾, as amended by Regulation (EEC) No 3483/88 ⁽⁴⁾;

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 252, 5. 9. 1981, p. 26.

⁽³⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 306, 11. 11. 1988, p. 2.

Whereas the TAC adopted by the CCAMLR for *Champsocephalus gunnari* covers the entire 1990/91 fishing year; whereas Member States should therefore also communicate to the Commission the catches taken by their vessels between 1 July 1990 and the date on which this Regulation enters into force;

Whereas Regulation (EEC) No 2245/85⁽¹⁾, as last amended by Regulation (EEC) No 1589/90⁽²⁾, should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2245/85 is hereby amended as follows:

- Articles 2, 2a and 2b shall be replaced by the following:

Article 2

Prohibition on fishing (*)

- Directed fishing for *Patagonotothen brevicauda guntheri*, *Notothenia rossii*, *Notothenia gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus* and *Notothenia squamifrons* in FAO Antarctic sub-area 48.3 (South Georgia) shall be prohibited from 1 July 1990 to 30 June 1991.
- Directed fishing for *Champsocephalus gunnari* off South Georgia (FAO Antarctic sub-area 48.3) shall be prohibited from 1 April to 4 November 1991.

During this period, fishing for *Champsocephalus gunnari*, *Notothenia rossii*, *Notothenia gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus* and *Notothenia squamifrons* shall be prohibited in the FAO Antarctic sub-area 48.3, except for scientific research purposes.

- Directed fishing for finfish in FAO Antarctic sub-areas 48.1 and 48.2 shall be prohibited in the 1990/91 season except for scientific research purposes.

Article 2a

Catch limitations (*)

- Catches of *Champsocephalus gunnari* taken in FAO Antarctic sub-area 48.3 in the period 2 November 1990 to 2 November 1991 shall be limited to a TAC of 26 000 tonnes.
- In the course of fishing in FAO Antarctic sub-area 48.3 for *Champsocephalus gunnari*, by-catches of *Notothenia rossii*, *Notothenia squamifrons*, *Chaenocephalus aceratus* and *Pseudochaenichthys georgianus* shall be limited to 300 tonnes for each species and by-catches of *Notothenia gibberifrons* shall be limited to 500 tonnes.

phalus aceratus and *Pseudochaenichthys georgianus* shall be limited to 300 tonnes for each species and by-catches of *Notothenia gibberifrons* shall be limited to 500 tonnes.

- Fishing in FAO Antarctic sub-area 48.3 shall be terminated if by-catches of one of the species listed in paragraph 2 reach the by-catch limits provided for or if total catches of *Champsocephalus gunnari* reach 26 000 tonnes, whichever happens first.

- Catches of *Dissostichus eleginoides* taken in the FAO Antarctic sub-area 48.3 in the period 2 November 1990 to 1 November 1991 shall be limited to a TAC of 2 500 tonnes.

- The date on which the catches taken by Community vessels or the other vessels concerned are deemed to have exhausted the TAC specified in paragraphs 1 to 4 shall be fixed by the Commission pursuant to Article 11 (3) of Regulation (EEC) No 2241/87 as soon as the required information is received from the CCAMLR.

- With effect from the date fixed pursuant to paragraph 5, all fishing for the species concerned shall be prohibited in FAO Antarctic sub-area 48.3 and Community vessels shall cease to retain on board, tranship or land any catches of these species taken in that sub-area after that date.

- If, in the course of directed fishing for *Champsocephalus gunnari*, the by-catch of any of the species listed in paragraph 2 exceeds 5 % of the haul, the fishing vessels shall move to another fishing area in FAO Antarctic sub-area 48.3.

- The use of bottom trawls for directed fishing for *Champsocephalus gunnari* within FAO Antarctic sub-area 48.3 shall be prohibited.

Article 2b

Catch reports (*)

- Catches of *Patagonotothen brevicauda guntheri*, *Champsocephalus gunnari*, *Dissostichus eleginoides*, *Notothenia rossii*, *Notothenia gibberifrons*, *Chaenocephalus aceratus* and *Pseudochaenichthys georgianus* in FAO Antarctic sub-area 48.3 shall be the subject of reports in accordance with this Article, without prejudice to the application of Articles 5 to 9 of Regulation (EEC) No 2241/87.

- Total catches, broken down by vessels, which were made by Community vessels in the period between 1 July 1990 and the end of the first month following the month in which this Regulation enters into force shall, within 10 days of the end of that period, be notified to the Commission by the Member States in which the vessels concerned are registered or whose flag they fly.

⁽¹⁾ OJ No L 210, 7. 8. 1985, p. 2.

⁽²⁾ OJ No L 151, 15. 6. 1990, p. 5.

3. For the purposes of reporting the catches taken after the period referred to in paragraph 2, each calendar month shall be divided into six reporting periods designated by the letters A, B, C, D, E and F and running from day 1 to day 5, day 6 to day 10, day 11 to day 15, day 16 to day 20, day 21 to day 25 and day 26 to the last day of the month, respectively.

At the latest within three days of each reporting period, each Member State shall notify the Commission of the total catches, broken down by vessels, that the vessels flying its flag or registered in its territory have made in the preceding reporting period, specifying the month and reporting period concerned.

4. On the basis of the information received pursuant to paragraphs 2 and 3, the Commission shall, at the end of each reporting period, inform the CCAMLR of

the total catches made by the Community vessels in the preceding reporting period.

(*) The FAO zones mentioned in this Regulation appear in Commission communication 85/335/02 (OJ No C 335, 24. 12. 1985, p. 2).'

2. The Annex is hereby amended as follows:

The minimum mesh size provided for in Article 3 relating to fishing for *Champsocephalus gunnari* shall be replaced by 90 mm with effect from 1 November 1991.

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, 23 September 1991.

For the Council

The President

P. BUKMAN

COMMISSION REGULATION (EEC) No 2811/91

of 26 September 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 2661/91 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 25 September 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 2661/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 September 1991.

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

Done at Brussels, 26 September 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 250, 7. 9. 1991, p. 1.

ANNEX

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

CN code	Levy
0709 90 60	133,94 ⁽²⁾ ⁽³⁾
0712 90 19	133,94 ⁽²⁾ ⁽³⁾
1001 10 10	176,93 ⁽¹⁾ ⁽³⁾
1001 10 90	176,93 ⁽¹⁾ ⁽³⁾
1001 90 91	153,19
1001 90 99	153,19
1002 00 00	160,11 ⁽⁶⁾
1003 00 10	138,01
1003 00 90	138,01
1004 00 10	123,67
1004 00 90	123,67
1005 10 90	133,94 ⁽²⁾ ⁽³⁾
1005 90 00	133,94 ⁽²⁾ ⁽³⁾
1007 00 90	142,98 ⁽⁴⁾
1008 10 00	50,12
1008 20 00	120,92 ⁽⁴⁾
1008 30 00	50,30 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	50,30
1101 00 00	227,47 ⁽⁸⁾
1102 10 00	238,17 ⁽⁸⁾
1103 11 10	287,37 ⁽⁸⁾
1103 11 90	245,33 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2812/91

of 26 September 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 25 September 1991 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 27 September 1991.

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

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

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 9	1st period 10	2nd period 11	3rd period 12
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0,18	0,18	0
1001 10 90	0	0,18	0,18	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2813/91

of 26 September 1991

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 728/91⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 729/91⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 730/91⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 23 and 24 September 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 27 September 1991.

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 80, 27. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 80, 27. 3. 1991, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 80, 27. 3. 1991, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	65,00 ⁽¹⁾
1509 10 90	65,00 ⁽¹⁾
1509 90 00	76,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	14,30
0711 20 90	14,30
1522 00 31	32,50
1522 00 39	52,00
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 2814/91

of 25 September 1991

re-establishing the levying of customs duties on 5-tert-Butyl-2,4,6-trinitro-m-xylene, falling within CN code ex 2904 20 90, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 9 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3831/90, duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 8;

Whereas, as provided for in Article 8, where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 6,3 % of the total importations into the Community, originating from third countries in 1988;

Whereas, in the case of 5-tert-Butyl-2,4,6-trinitro-m-xylene, falling within CN code ex 2904 20 90, originating

in China, the reference base is fixed at ECU 41 000; whereas, on 21 March 1991, imports of these products into the Community originating in China, reached the reference base in question after being charged there-against; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 30 September 1991, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in China:

CN code	Description
ex 2904 20 90	5-tert-Butyl-2,4,6-trinitro-m-xylene

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, 25 September 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2815/91

of 25 September 1991

re-establishing the levying of customs duties on products falling within CN code 3923 21 00, originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

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

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 3923 21 00, originating in Thailand, the individual ceiling was fixed at ECU 4 599 000; whereas, on 7 May 1991, imports of these products into the Community originating in Thailand reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 30 September 1991, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Thailand:

Order No	CN code	Description
10.0480	3923 21 00	Sacks and bags (including cones) — Of polymers of ethylene

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, 25 September 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2816/91**of 26 September 1991****fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EEC) No 1819/91⁽⁴⁾ last fixed for the period 1 July to 30 September 1991, they must be fixed anew for the period 1 October to 31 December 1991; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EEC) No 2817/91 of 26 September 1991 fixing the sluice-gate prices and levies for eggs⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell have been altered by the said Regulation; whereas it is therefore necessary likewise to alter the sluice-gate prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EEC) No 1819/91;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 157, 22. 6. 1990, p. 16.

⁽⁴⁾ OJ No L 166, 28. 6. 1991, p. 27.

⁽⁵⁾ See page 15 of this Official Journal.

ANNEX

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

CN code	Sluice-gate price	Import duty
	ECU/100 kg	ECU/100 kg
3502 10 91	392,98	140,07
3502 10 99	52,68	18,98
3502 90 51	392,98	140,07
3502 90 59	52,68	18,98

COMMISSION REGULATION (EEC) No 2817/91
of 26 September 1991
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EEC) No 1818/91⁽⁵⁾, last fixed for the period 1 July to 30 September 1991, they must be fixed anew for the period 1 October to 31 December 1991; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 April to 31 August 1991;

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

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

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 October to 31 December 1991;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁴⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁵⁾ OJ No L 166, 28. 6. 1991, p. 24.

ANNEX

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

CN code	Sluice-gate price	Levy
	ECU/100 units	ECU/100 units
0407 00 11	51,93	13,10
0407 00 19	11,07	4,02
	ECU/100 kg	ECU/100 kg
0407 00 30	84,29	34,50
0408 11 10	409,42	161,46
0408 19 11	185,10	70,38
0408 19 19	197,23	75,21
0408 91 10	343,59	155,94
0408 99 10	91,01	40,02

COMMISSION REGULATION (EEC) No 2818/91

of 23 September 1991

imposing a provisional anti-dumping duty on imports of cotton yarn originating in Brazil, Egypt and Turkey and terminating the anti-dumping proceeding in respect of cotton yarn originating in India and Thailand

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having informed the EEC-Turkey Association Council, pursuant to Article 47 (2) of the additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾, and being aware of the fact that the provisional anti-dumping duty concerning Turkey imposed by this Regulation should be repealed if the Association Council issues a recommendation within the time period provided in that provision,

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

WHEREAS:

A. PROCEDURE

(a) General

- (1) In 1989 the Commission received a written complaint lodged by 'Eurocoton' (Committee of the cotton and allied textile industries of the EEC) on behalf of producers representing about 95 % of the Community production of the cotton yarn concerned.

This complaint contained evidence of dumping of cotton yarn originating in Brazil, Egypt, India, Thailand and Turkey and of material injury resulting therefrom, which was considered sufficient to justify opening a proceeding.

In a notice published in the *Official Journal of the European Communities*⁽³⁾, the Commission accordingly announced the initiation of an anti-dumping proceeding concerning imports into the Community of cotton yarn falling within CN codes

5205 and 5206 originating in Brazil, Egypt, India, Thailand and Turkey.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants.

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

- (3) Most of the exporters and the complainant Community producers made their views known in writing. Submissions were also made by a number of importers and by the European Trade Union Committee of Textiles, Clothing and Leather.

Both exporters and complainant Community producers requested and obtained hearings.

The product

Description :

- (4) Cotton yarn (other than sewing thread) not put up for retail sale.

The product under consideration is all types of cotton yarn, classified on the basis of the so called 'English count system'. This system is designed to classify cotton yarn according to its thickness.

Combined nomenclature (CN)

- (5) Cotton yarns concerned fall under the following codes :
- 5205 : from 5205 11 00 to 5205 45 90 cotton yarn (other than sewing thread) containing at least 85 % by weight of cotton,
 - 5206 : from 5206 11 00 to 5206 45 90 cotton yarn (other than sewing thread) containing less than 85 % by weight of cotton.

Like product

- (6) It was noted that all types of cotton yarn for sale, both in the exporting countries and the Community market, had physical characteristics closely resembling each other and were manufactured

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 4.

⁽³⁾ OJ No C 72, 22. 3. 1990, p. 3.

using the same basic technology and on the same type of equipment. Moreover, these cotton yarns had a high degree of interchangeability in their end use.

Accordingly, the Commission took the view that all cotton yarn counts, exported to the Community from the countries concerned, were to be treated as a 'like product', within the meaning of Regulation (EEC) No 2423/88 of both the products manufactured and sold on the domestic market of each of the exporting countries, and to the products manufactured and sold by the Community industry.

(b) Community industry

- (7) Given the large number of companies involved, the small scale of most of these companies and the administrative difficulties of investigating each of them, questionnaires were sent to a number of producers, chosen on the basis of their size and geographic location.

The Community producers, from which acceptable replies were received, were found to be representative of the Community industry, within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

(c) Producers/exporters

- (8) Given the number of countries involved (5) and the large number of exporting companies (53) which agreed to cooperate, the Commission considered it necessary to make a selection of companies for verification purposes, in order to conclude the procedure within reasonable time limits and to expedite the case in the most efficient manner. Therefore, a limited number of producers/exporters were selected for which a full investigation was carried out.

The selection of companies for verification purposes was made for Brazil, Egypt, India and Turkey. Accordingly, companies were chosen by objective criteria based on parameters such as: volume of production, volume of exports, product range and volume of domestic sales.

In Thailand only two companies cooperated, therefore there was no necessity for selection.

The criteria of the selection and the names of the companies chosen were discussed and agreed in advance during meetings between the Commission and the associations which represented the producers/exporters.

At the same time the exporters' associations together with most of the cooperating producers/exporters were informed that the application of this selection would have the following consequences:

- any dumping margins were to be based on the individual figures for each company actually selected for verification purposes,
- a weighted average of the margins of dumping found attributable to the companies cooperating but not selected for verification purposes,
- the use of the most appropriate available facts in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88 would be applied to companies which did not cooperate.

No objections were raised by the exporters' associations in respect of the above procedure as well as of its consequences.

(d) Investigation

- (9) The Commission sought and verified all the information it deemed necessary for the purposes of making a preliminary determination of dumping and consequent injury, for the parties which agreed to cooperate. To these ends it carried out inspections at the premises of:

Community producers:

Belgium:	Kortrijkse Textiel Maatschappij;
France:	Ets Caulliez Frères (SA) Filature Fremaux Filature de Chenimenil Filature de Démangevelle Filature Réquillart Filature de Béchamp Filature et tissages des Établissements Héritiers de Georges Perrin La Cotonnière d'Armentières La Cotonnière du Touquet;
Germany:	Fils Textil GmbH Lauffenmühle GmbH Textilgruppe Hof (Neue Baumwollspinnerei & Weberei Hof AG/Vogtländische Baumwollspinnerei AG);
Greece:	Naoussa Spinning Mills SA Piraiiki-Patraiki SA Volos Spinning MFG Co. SA Iliotex SA Textile Mills;

Italy :	Cotonificio Bresciano Ottolini SpA
	Cotonificio di Biadene SpA
	Cotonificio Honneger SpA
	Cotonificio Olcese Veneziano SpA
	Cotonificio di Conegliano
	Filati Filartex SpA
	Franzoni SpA
	Nuova Manifattura Cottoniera Meridionale ;
Portugal :	Arco Têxteis — Empresa Industrial de Santo Tirso Lda
	Sociedade Têxtil Flor do Rio Lda ;
Spain :	Grupo Mitasa
	Hilaturas Gossypium, SA
	La Preparacion Textil SA
	Serra Feliú, SA
United Kingdom :	Textil Santanderina SA ;
	Courtaulds Spinning
	Shiloh Spinners Ltd.

Exporters/producers in the countries concerned :

Brazil :	Fábrica de Rendas Arp SA, Rio de Janeiro
	Fiação e Tecelagem Kanebo do Brasil, São Paulo
	Nisshinbo do Brasil Indústria Têxtil Lda, São Paulo ;
Egypt :	Unirab Spinning & Weaving Co., Alexandria
	Misr Shebin El Kom For Spinning & Weaving (Shebintex), Menoufia
	Misr El Amria Spinning & Weaving Co., Alexandria
	Misr Iran Textile Co. 'Miratex', Suez ;
India :	Sholingur Textiles Ltd, Madras
	Gokak Mills Ltd, Bombay
	Nav Maharashtra Sahakari Soot Girani, Ichalkaranji
	Thiagarajar Mills Ltd, Madurai ;
Thailand :	Bangkok Weaving Mills Ltd, Bangkok
	Thai Melon Textile Co. Ltd, Rangsit Pathumthani ;
Turkey :	Taris (Tarim Satis Kooperatifleri Birli Keri), Izmir
	Ceytaş, (Ceyhan Tekstil Sanayii AŞ), Ceyhan
	Yalova Elyaf ve İplik Sanayii ve Ticaret AŞ, Istanbul
	Birko (Birlesik Koyunlular Mensucat Tic ve San AŞ), Niğde

Söktaş Pamuk ve Tarım Urune-rini Değerlendirme Ticaret ve Sanayii AŞ, Söke

Yidaş, Tarsus.

- (10) The following producers/exporters in the countries concerned responded to the questionnaires sent by the Commission and agreed to cooperate in the investigation but were not selected for verification purposes and therefore were not visited :

Brazil :	Filobel SA Indústrias Têxteis do Brasil, São Paulo
	Toyobo do Brasil Indústria Têxtil Lda, São Paulo
	Indústria Têxtil Tsuzuki Ltd, São Paulo
	SA Têxtil Nova Odessa, São Paulo
	Cotonificio de São Bernardo, São Paulo
	Companhia Brasileira de Fiação, São Paulo ;
Egypt :	El Siouf Spinning & Weaving Co., Alexandria
	Delta Spinning & Weaving Co., Tanta
	El Sharkia Spinning & Weaving Co., Zagazig
	Misr Spinning & Weaving Co., Mehalla El Kubra
	Misr Fine Spinning & Weaving Co., Kafr El Dawar
	El Nasr Wool & Selected Textiles Co. 'Stia', Alexandria
	Dakhalia Spinning & Weaving Co., Mansoura
	Alexandria Spinning & Weaving Co., Alexandria ;
India :	Madhavnager Cotton Mills Ltd, Bombay
	Vardhman Spinning & General Mills Ltd, Ludhiana
	Loyal Textile Mills Ltd, Kovil-patti
	GTN Textiles Ltd, Alwaye
	Keshavial Talakchaud, Bombay
	Patodia Syntex Ltd, Bombay
	Sajjan Udyog, Bombay
	Vanaja Textiles Ltd, Trichur
	Yarn Syndicate, Calcutta
	The Coimbatore Pioneer Mills Ltd, Coimbatore
	DCM Limited, Delhi
	Kwality Spinning Mills Ltd, Pollachi ;

Turkey : Sönnez Pamuklu Sanayil AŞ, Bursa
 Cukurova Sanayi Isletmeleri TAŞ, Tarsus
 Akip Tekstil, Istanbul
 Karsu (Tekstil Sanay ve Tic AŞ), Kayseri
 Trakya Iplik Sanayi AŞ, Istanbul
 Bisas Bursaiplik Sanayil AŞ, Bursa
 Mertaş Manisali Errensel Pazadama ve Ticaret AŞ, Izmir
 Hateks (Hatay Tekstil Isletmeieria AŞ), Antakya-Hatay.

- (11) The dumping investigation covered the period 1 January to 31 December 1989.

Given the large number of interested parties involved, and due to the complexity of the proceeding, in particular the difficulties met by the Commission in obtaining, from interested parties, the relevant data to allow a provisional finding to be made, the investigation exceeded the normal period of one year.

B. NORMAL VALUE

(a) General

- (12) For the product sold in sufficient quantity, in the ordinary course of trade, normal value was provisionally determined on the basis of the weighted average domestic prices of the like product for those producers/exporters who cooperated and were then selected for verification purposes. These prices were net of all discounts and rebates directly linked to the sales of cotton yarn.

Normal value was calculated by taking into account the different count numbers of cotton yarn.

In cases where there were no domestic sales or these were found to be made in substantial quantities at prices which did not permit recovery, in the normal course of trade during the investigation period, of all costs reasonably allocated, normal value was determined on the basis of a constructed value of the like product. This constructed value was calculated by adding to the cost of production a reasonable margin of profit, corresponding to the weighted average of profits realized by other producers/exporters on profitable sales of the like product on the domestic market.

Particular situations

- (13) For the purposes of determining normal value, the Commission took account of particular situations occurring in the following countries :

(a) Egypt

The Commission found that all cotton yarn spinning companies were directly or indirectly state owned. In establishing whether domestic prices were reliable it was found that domestic prices of cotton and cotton yarn were fixed by governmental authorities.

Furthermore, raw cotton was sold in the domestic market at a price considerably lower than the price of raw cotton exported from Egypt. This had a direct impact on the domestic price of cotton yarn.

Under these conditions, the Commission came to the provisional conclusion that both domestic cotton yarn and raw cotton prices were influenced by non-market forces to such an extent that their artificiality prevented them from being considered as made in the ordinary course of trade. Consequently, the Commission considered it appropriate to determine the normal value of cotton yarn on the basis of constructed value. The constructed values were calculated by taking all actual costs, both fixed and variable, incurred by the producers/exporters, with the exception of the cost of raw cotton, and adding a reasonable margin of profit.

The cost of raw cotton was provisionally calculated by the Commission by reference to the price, duly adjusted, of a similar quality of raw cotton when bought by the producers concerned, in the ordinary course of trade (on the international market). The profit margin considered necessary to ensure an adequate return on sales in this sector, in Egypt, was 5 %.

(b) Brazil and Turkey

- (14) Given the high inflationary situation prevailing in these two countries, the Commission established normal value on a monthly basis in order to permit a proper comparison for export price.

C. EXPORT PRICE

(a) General

- (15) The Commission found that in all countries exports were made to independent importers in the Community, and accordingly, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

(b) Exchange rate

- (16) When normal value was calculated on a yearly basis, the exchange rate applied to the export price was also based on a yearly average.
- (17) As regards Brazil and Turkey, for the reasons explained in recital 14, the Commission considered it more appropriate to use an exchange rate based on a monthly average.

In respect of Brazil, the exporters argued that special circumstances prevailed in 1989 in the economy of their country during the investigation period. These circumstances arose from the Brazilian Government enforcing a rate of exchange of 1 Novo Cruzado to US \$ 1, during the first quarter of 1989. This, according to the exporters, had the effect of artificially depressing export prices, while inflation continued on the Brazilian market, with the effect of increasing the prices of domestic sales expressed in Novo Cruzados. The consequence, in the opinion of those exporters, was that artificial dumping took place.

Therefore, the Brazilian exporters claimed that due account should be taken of their situation to neutralize the effects described. Specifically they requested the use of inflation adjusted exchange rates that could provide an export price permitting a fair comparison with the normal value.

When examining this submission, the Commission noted that the rates of exchange taken into consideration were those officially established by the Government of Brazil, which is a market economy country. In this respect, the Brazilian exporters were not able, during the preliminary investigation, to produce any arguments that the official exchange rates did not correspond to a realistic economic situation. Therefore, the request for an adjustment of the export price has been rejected at this stage of the proceeding.

D. COMPARISON**(a) General**

- (18) For the purpose of a fair comparison between normal value and export price and in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, the Commission took account of differences affecting price comparability such as different physical characteristics and selling expenses. All comparisons were made at the same level of

trade. Furthermore, since export prices varied considerably, normal value for cotton yarn sold domestically was compared with the export price of the same cotton yarn counts on a transaction by transaction basis.

(b) Differences in physical characteristics

- (19) The Commission found that in some cases the cotton yarn counts sold domestically did not correspond to those sold for exports. In such cases, adjustments were made to take due account of the differences in physical characteristics, notably by estimating the value of such differences on the basis of either the level of prices of cotton yarn counts sold domestically or of the costs of production of the same counts exported plus a profit margin established from other counts domestically sold by the same exporter.

(c) Differences in selling expenses

- (20) Adjustments were made to normal value in respect of differences in credit terms, commissions, salaries paid to salesmen, packing, transport, insurance, handling and ancillary costs, whenever evidence was provided that these expenses were directly related to the sales under consideration.

(d) Differences in import charges and indirect taxes**(21) India**

The Indian exporters claimed an adjustment to normal value according to Article 2 (10) (b) of Regulation (EEC) No 2423/88. They argued that this adjustment should be allowed in respect of indirect taxes levied on materials physically incorporated in cotton yarn sold in India. These taxes are refunded on exported products under a system known as 'cash compensatory support' and amount to 8 % of the fob export value for companies selling both on the domestic and export markets, and to 4 % of the fob export value for the companies totally dedicated to the export market.

After examining the evidence submitted by the relevant Indian companies in this context, it was concluded that the amount refunded in the framework of the system described above corresponded essentially to the indirect taxes borne by the like product and by materials incorporated therein when sold domestically. Moreover, the Commission was officially informed by the Indian authorities that the 'cash compensatory support' system had

been suspended with effect from 3 July 1991, so that it is reasonable to expect that export prices will increase accordingly. Under these circumstances, the adjustment was duly allowed.

(22) *Thailand*

The Thai exporters claimed an adjustment to normal value, according to Article 2 (10) (b) of Regulation (EEC) No 2423/88, in respect of a refund of import duties paid for raw cotton, equivalent to 2,97 % of the fob export price of their exports of cotton yarn.

The Commission received evidence of the payments made for the import charges on the import of raw cotton incorporated in the cotton yarn when destined for consumption in Thailand. Evidence was also provided of the amounts relating to the import charges, described above, refunded in respect of cotton exported to the Community. Under these circumstances the adjustment was duly allowed.

E. DUMPING MARGIN

(a) Cooperating producers/exporters

- (23) The margins of dumping established varied according to the company visited. The weighted average margins expressed as a percentage of the total cif value of the product concerned were as follows:

(i) *Brazil*

Fábrica de Rendas Arp SA	7,0 %
Fiação e Tecelagem Kanebo do Brasil	15,8 %
Nisshinbo do Brasil Indústria Têxtil Lda	12,1 %.

The weighted average of the dumping margins found for the companies included in the sample is 12,9 %;

(ii) *Egypt*

Misr El Amria Spinning & Weaving Co.	12,5 %
Misr Iran Textile Co. 'Miratex'	4,9 %
Misr Shebin El Kom For Spinning & Weaving (Shebintex)	7,0 %
Unirab Spinning & Weaving Co.	8,4 %.

The weighted average of the dumping margins found for the companies included in the sample was 8,1 %;

(iii) *India*

Godak Mills Ltd	0,2 %
Sholingur Textiles Ltd	0,2 %
Thiaragajar Mills Ltd	0,1 %
NAV Maharashtra Sahakari Soot Girani	9,5 %.

The weighted average of the dumping margins found for the companies included in the sample was 1,8 %;

(iv) *Thailand*

Bangkok Weaving Mills	7,9 %
Thai Melon	0,1 %;

(v) *Turkey*

Yalova Elyaf ve Iplik Sanayii ve Ticaret AŞ	5,6 %
Ceytaş (Ceyhan Tekstil Sanayii AŞ)	15,8 %
Yidaş	4,9 %
Birko (Birlesik Koyunlular Mensucat Tic ve San AŞ)	7,7 %
Taris (Tarim Satis Kooperatifleri Birli Keri)	8,6 %
Söktaş Pamuk ve Tarim Urunerini Değerlendirme Ticaret ve Sanayii AŞ	10,0 %.

The weighted average of the dumping margins found for the companies included in the sample was 10,0 %.

(b) Non-cooperating producers/exporters

- (24) For those producers/exporters that neither replied to the Commission's questionnaire, nor otherwise made themselves known, dumping was determined on the basis of the facts available in accordance with the provision of Article 7 (7) (b) of Regulation EEC No 2423/88.

In this context, the Commission found that the level of cooperation of the exporters from India, Egypt, Thailand and Turkey was reasonably high.

The Commission therefore considered that the result of its investigation in these countries provided the most appropriate basis for the determination of the margin of dumping. If the dumping margin for the non-cooperating exporters was any lower than the highest dumping margin found in each country, i.e. 12,5 % for Egypt, 9,5 % for India, 7,9 % for Thailand and 15,8 % for Turkey, it could provide an opportunity for circumvention of the duty. It was therefore considered appropriate to use these dumping margins for the non-cooperating producers/exporters.

- (25) As regards Brazil, the Commission noted that in 1989 the exports of the cooperating companies of this country reached a relatively low level in comparison with the total volume of cotton yarn exports to the EC. The Commission considered that such a low coverage of exports could not be considered as representative. Therefore other available information was used to establish a relevant margin of dumping for the non cooperating Brazilian exporting companies.

For the purposes of the provisional calculation, normal value was determined on the basis of cost of production data supplied by the complainant Community industry plus a reasonable margin of profit corresponding to the average profit achieved by the cooperating companies.

As regards export price, its determination was made on the basis of the Eurostat figures duly adjusted to take account of the differences affecting price comparability. When comparing normal value and export price, as calculated above, the result of this comparison led to the determination of the margin of dumping for non cooperating Brazilian companies as 25,3 %.

F. INJURY

1. Cumulation

- (26) In establishing the impact of the dumped imports on the Community industry, the Commission has considered whether the effects of all dumped imports from the countries concerned in the present investigation should be analysed cumulatively. In this context, it was noted that the products exported by each of these countries were alike in all respects and were marketed in the Community within a same period and under similar commercial policy, to compete with each other and with cotton yarn produced in the Community. The levels of volumes imported were also taken into consideration.

After examination of these elements, the Commission concluded that, with the exception of India and Thailand (see recital 27) and for the purpose of establishing the level of injury sustained by the Community industry, the exports from Brazil, Egypt and Turkey produced a similar and simultaneous effect on the Community industry which must be assessed jointly.

- (27) It was considered that given the small market shares held by the exports from India and Thailand, there were insufficient grounds to cumulate these exports with those from Brazil, Egypt and Turkey.

2. Evolution of Community consumption

- (28) In examining the Community consumption for the period 1986 to 1989, the Commission found that the size of the Community market had slightly increased. Indeed, consumption amounted to 1 153 000 tonnes in 1986, with an increase up to 1 291 000 tonnes in 1987, which was an exceptional year. In the following years the consumption decreased to 1 185 000 tonnes (1988) and to 1 184 000 tonnes (1989).

3. Volume and market share of dumped imports

- (29) In considering the period between 1986 and 1989, dumped imports from Brazil, Egypt and Turkey were approximately 131 733 tonnes in 1986, 159 351 tonnes in 1987, 142 966 tonnes in 1988 and 142 747 tonnes in 1989. The trend examined on a yearly basis showed that there was a significant increase of 21 % in 1987 but a decrease of 10 % in 1988 and 0,15 % in 1989. The overall trend during this period showed an increase of 8,3 % in total.

Imports at dumped prices from India in the same period were as follows:

2 624 tonnes in 1986, 37 260 tonnes in 1987, 20 048 tonnes in 1988, 8 545 tonnes in 1989.

Imports at dumped prices from Thailand in the same period were as follows:

10 239 tonnes in 1986, 12 463 tonnes in 1987, 13 904 tonnes in 1988, 1 287 tonnes in 1989.

- (30) The market share of the Brazilian, Egyptian and Turkish exporters considered together was as follows: 11,4 % in 1986, 12,3 % in 1987, 12,1 % in 1988 and in 1989.

The market share of Indian cotton imports was 0,2 % in 1986, 2,9 % in 1987, 1,7 % in 1988 and 0,7 % in 1989.

The market share of the Thai cotton imports was 0,9 % in 1986 and in 1987, 1,1 % in 1988 and 0,1 % in 1989.

4. Price of dumped imports

- (31) The Commission investigated the price undercutting practised by the Brazilian, Egyptian, Indian, Thai and Turkish exporters during the investigation period.

The comparison between the prices of the dumped imports and the prices of the like product in the Community was made on a count basis between cif Community frontier prices charged by the exporters and the ex-works prices charged by the Community industry duly adjusted. In cases where

a particular count imported had not been sold during the investigation period by and of the Community producers, the price of the nearest count, duly adjusted to take account of physical differences (see recital 12) was used.

Adjustments were also made to ensure comparability in terms of transport costs deducted from the Community selling prices, as well as for customs duty on the import prices, when appropriate.

(32) The comparison outlined above showed the following results distinguished by country:

- (a) Brazil — the undercutting found for the three companies visited ranged between 2,6 and 7,5 %;
- (b) Egypt — the undercutting found for the four companies visited ranged between 9,2 and 17,6 %;
- (c) India — the undercutting found for the four companies visited ranged between 3,3 and 24,1 %;
- (d) Thailand — the undercutting for the two companies visited ranged between 13,7 and 14,1 %;
- (e) Turkey — the undercutting found for the six companies visited ranged between 4,7 and 24,5 %.

5. Other relevant economic factors

(a) *Production and capacity utilization*

(33) The production of the Community producers investigated, as indicated in recital 7, amounted to 282 014 tonnes in 1986, 298 468 tonnes in 1987, 284 396 tonnes in 1988 and 297 713 tonnes in 1989. Therefore, in the overall period there was an increase in production of about 5 %.

(34) The examination of the trend of the rate of production capacity utilization showed that this corresponded in 1986 to 82 % of the actual capacity, to 85 % in 1987, to 80 % in 1988 and 82 % in 1989. In evaluating these factors account has to be taken of the fact that manufacturing cotton yarn is a capital intensive business. Indeed, the maintenance of relatively stable capacity utilization figures is mainly a result of a considerable reduction in overall capacity, caused by significant plant closures in the Community (see recital 38).

(b) *Sales and market share*

(35) The sales by the Community producers investigated corresponded to 225 311 tonnes in 1986,

233 624 tonnes in 1987, 219 602 tonnes in 1988 and 242 955 tonnes in 1989.

The market share of sales in the EC of the Community producers investigated increased, in the period between 1986 and 1989, by 1 percentage point. Indeed, the market share of these producers was 19,5 % in 1986, 18,1 % in 1987, 18,5 % in 1988 and 20,5 % in 1989.

(c) *Prices*

(36) The prices of cotton yarn in the Community market of the Community producers investigated, increased on a weighted average basis from ECU 3,47 per kilo in 1986 to ECU 3,54 per kilo in 1987, but then they declined significantly to ECU 3,39 per kilo in 1988, and to ECU 3,12 in 1989.

(d) *Investments*

(37) Over a period of four years, the Community industry investigated invested ECU 542 000 000 in order to modernize plant and equipment. As a result of this investment the Community producers achieved a high level of technology in cotton spinning which ranks amongst the most advanced in the world.

The Commission found reasonable evidence of increasing efficiency in the Community industry during the four years considered. This evidence was given by an index published periodically, on which basis it has been possible to measure the productivity in five Member States, by reference to the HOK (heure-ouvrier-kilo) index, which gives the indication of the number of hours worked required to produce 100 kg of cotton yarn. The HOK index changed from 7,34 in 1986 to 6,75 in 1989 showing a clear increase in productivity as a consequence of the improvement in efficiency.

(e) *Profitability*

(38) The evolution of profits before taxes show that, in 1986 and 1987, the Community producers investigated made reasonable returns on sales of 8,3 and 7,7 % respectively. These profits turned into losses of 1,8 % in 1988 and 5,7 % in 1989. Therefore the percentage decrease in profitability between 1986 and 1989 was 14 percentage points.

Furthermore, it is worth noting that out of all Community companies investigated only four, accounting for 4,8 % of the Community industry investigated output, showed profits in 1989. These profits ranged between 2 and 5 % (net profit over sales). The remaining companies which accounted for 95,2 % of the Community companies' investigated output incurred losses.

(f) *Plant closure*

- (39) According to the information available, it was established that between 1988 and 1989, 54 spinning plants were forced to close.

The existence of this situation was further supported by the fact that some Community producers, to which questionnaires had been sent, made themselves known but declined to participate in the proceeding as they were unable to provide the necessary data, due to the closure of their plants.

(g) *Employment*

- (40) When looking at the employment situation in the companies investigated, the Commission established that there was a sharp decline of the number of employees in the sector. These employees amounted to 18 100 in 1986, and then decreased to 17 661 in 1987 to 16 393 in 1988, and to 15 512 in 1989. This shows that the overall job losses from 1986 to 1989 corresponded to 2 588.

6. Conclusion on injury

- (41) In the light of the above, the Commission came to the following provisional conclusions:

- 1987 was the last year when the Community producers investigated registered profits; since then, they have suffered financial losses which, in the reference period, accounted for 5,7 %. These losses took place in spite of the fact that the Community producers had made considerable investment efforts to achieve a high technological level and consequently improved productivity, efficiency and competitiveness,
- the Community producers investigated made significant investments during the four years taken into consideration but most of them did not benefit from any return in 1988 and 1989,
- the selling prices of the Community producers investigated were eroded, obliging them to sell at unprofitable prices levels in order to maintain market share and to cover fixed costs,
- a considerable number of Community producers were forced out of the market with the loss of a substantial number of jobs,
- the Community producers investigated increased their production mainly because they were forced to operate at a high level of output to achieve cost efficiency in order to be competitive and to maintain market share. For this reason, production volumes as well as other economic indicators such as capacity utilization,

and sales, cannot be held to be significant for injury determination.

The abovementioned price depression, the considerable financial losses over the last two years, the lack of return on investment, the closure of a large number of plants and the substantial loss of jobs led the Commission to the conclusion that for the purpose of its provisional findings the Community industry suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

H. CAUSATION OF INJURY

(a) *General*

- (42) In assessing whether the Community industry has suffered material injury through the effects of the dumped imports, it is appropriate to consider the particular sensitivity of the cotton yarn market to any modification in price, given that cotton yarn is a typical commodity product.

(b) *Effects of dumped imports*

- (43) In its examination of the extent to which the material injury suffered by the Community industry was caused by the effects of the dumping described above, the Commission found that the loss of profitability and the other negative economic circumstances coincided with the continuing price depression and price undercutting on the Community market, owing to the low-price imports from the countries mentioned in the complaint. This combined effect was multiplied by the high sensitivity of the cotton yarn market to any downward movement, however slight.

The downward pressure on prices of cotton yarn in the Community market forced the Community industry to decrease its prices to levels below its cost of production, despite the progress made in terms of efficiency and productivity. In these circumstances, it is reasonable to conclude that the closure of spinning plants and the loss of jobs incurred by the Community producers were due, to a large extent, to the unfair competition caused by dumped imports and not simply as a result of restructuring in the Community industry.

Although the Commission was aware, during this investigation, that some job losses resulted from investments in high technology plants, removing many manual tasks, it was also the case that, throughout the Community, many companies were forced by the dumped import, to resort to redundancies, short-time working and partial or total plant closures in an effort to maintain profitability.

(c) Effects of other imports

- (44) The Commission also considered whether injury had been caused by imports from other third countries and found that during the reference period only one other country exported cotton yarn to the Community in considerable volume. According to the information available, no evidence of any significant market disruption was found relating to imports from that country. Furthermore, neither the exporters nor the complainants have provided evidence of dumping and injury for which this country could be considered as responsible.

(d) Effects of quantitative restrictions

- (45) The Commission has also examined the argument alleging that, because of the existence of quantitative restrictions applied to the imports of the product in question originating in the countries concerned, no injury could be caused to the Community industry by these imports. The Commission considers, in this respect, that quantitative restrictions protect the Community industry from excessive volumes of imports but cannot prevent injury resulting from unfair trading practices such as dumping imports at very low prices.

(e) Conclusion

- (46) The investigation did not reveal any other factors than the dumped imports which caused material injury to the Community industry. The Commission, therefore, concluded that the effects of dumped imports of cotton yarn, originating in the countries concerned and taken in isolation, have to be considered as causing material injury to Community industry.

However, given the negligible market shares held by the exports at dumped prices from India and Thailand, the Commission considers that these exports have not significantly contributed to the injury suffered by the Community industry.

I. COMMUNITY INTEREST

- (47) The Commission considers that, without measures to correct the effect of dumped imports, the number of Community cotton yarn spinners forced out of the market would increase progressively with further loss of jobs. In this respect, clear evidence can be found in the statistics available. For instance, the Commission is informed that in 1990, 34 Community spinning mills closed with a loss of 7 072 jobs. This negative trend has continued in 1991.

- (48) Some importers made submissions claiming that there should be no imposition of anti-dumping measures on cotton yarn. In particular, they argued that these measures would raise prices on the Community market and that this would adversely affect end-users such as fabric and garment manufacturers and, ultimately, consumers.

In addition they argued that third country exporters concerned would respond to the imposition of this duty by concentrating on manufacture of fabric and finished textile products, which would then be exported to the Community, further adversely affecting fabric and garment manufacturers in the Community.

In this respect, the Commission considers that a short-term advantage given to end-users, in terms of lower prices, cannot justify unfair competition which is detrimental to the Community industry. In the medium term the consumer should benefit from a sound competition situation in which the number of suppliers is not diminished by unfair trading.

The Commission cannot exclude an increase in imports of cotton fabrics or garments into the Community, but such a theoretical consequence cannot be considered as an acceptable reason for not applying anti-dumping measures. Indeed these measures are aimed only at placing the Community cotton spinning industry in a position of fair competition.

The Commission also took into account the fact that the complaint had been submitted by Eurocoton which represents cotton spinners and weavers. This was considered as clear evidence that, in balancing the interests of both categories, priority should be given to the protection of the spinning industry from unfair competition caused by dumping practices. This is confirmed indirectly, by the fact that neither weavers nor garment makers in the Community have expressed any objections to the possible adoption of protective measures in this proceeding.

Moreover, this view was fully shared, in a submission made by the European Trade Union Committee of Textiles, Clothing and Leather, representing virtually all the Community textile industry, from the chemical fibres to knitted or crocheted articles' producers.

- (49) Consequently, after examining the various points of view, the Commission has concluded that it is in the interest of the Community to eliminate the injurious effects of the dumped imports, through the adoption of protective measures in the form of provisional duties. This should be done in order to prevent further injury being caused before the end of the proceeding.

J. DUTY**(a) General**

- (50) For the purpose of establishing the level of the provisional duty, the Commission took account of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.

In order to remove totally the injury sustained by the Community industry, the Community producers would need to be placed in the position where they could achieve adequate profitability. In order to obtain this profitability, the price of the exports of cotton yarn from the countries concerned should be increased to a level sufficient to enable the Community industry to obtain a reasonable profit.

Consequently, it appears that the provisional duty to remove injury should cover the difference (hereafter 'price underselling') between the Brazilian, Egyptian and Turkish cotton yarn prices and the price level required for the Community industry to cover its costs and to make a reasonable profit.

- (51) In comparing the relevant export prices with the price level, the Commission established, as was the case for the determination of the dumping margin, a distinction between the cooperating producers/exporters selected for verification purposes, the cooperating producers/exporters not selected and the other producers/exporters.

(b) Cooperating producers/exporters selected for verification purposes

- (52) The Commission established the reasonable price level for the most representative counts on the basis of the average production costs of the Community producers concerned, duly adjusted to take account of differences in the level of trade and including a profit of 5 %. It was considered that 5 % was the minimum profit required in order to allow an adequate return on sales, the possibility of future investment and, consequently, the continued viability of this industry.

This price, as described above, was compared to the weighted average export price of the corresponding cotton yarn counts of cif level, customs duty paid.

The results of this comparison, expressed on a weighted average basis as a percentage of the free-at-Community-frontier price, were as follows :

Brazil

Price underselling margins varied from 11,2 to 36,2 %

Egypt

Price underselling margins varied from 19 to 33,7 %

Turkey

Price underselling margins varied from 16,8 to 39,9 %.

(c) Cooperating producers/exporters not selected for verification purposes

- (53) The price underselling margin of each company was determined on the basis of the weighted average of the price underselling, calculated for the companies of the same country included in the sample.

The price underselling margins resulting from these calculations were as follows :

— Brazil	19,3 %
— Egypt	30,1 %
— Turkey	23,7 %.

(d) Determination of duty

- (54) Finally in determining the level of the provisional duties, the Commission took account of Article 13 (3) of Regulation (EEC) No 2423/88. Consequently, the rate of duty to be applied to each producer/exporter was limited to that adequate to remove the injury, in the case that this rate was lower than the dumping margin found for the producer/exporter concerned.

K. TERMINATION OF THE PROCEEDING IN RESPECT OF IMPORTS OF COTTON YARN ORIGINATING IN INDIA AND THAILAND

- (55) As referred in recital 46, imports of the product concerned originating in India and Thailand have not significantly contributed to the injury suffered by the Community industry. Also taking account of the generally low margins of dumping found, no protective measures are necessary, so the Commission considers that the proceeding should be terminated in respect of these imports.
- (56) No objections to these conclusions were raised in the Advisory Committee.
- (57) The complainant has been informed of the facts and principal considerations on the basis of which the Commission intended to terminate the proceeding with regard to imports of cotton yarn originating in India and Thailand,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of cotton yarn falling within CN codes 5205 11 00 to 5205 45 90 and 5206 11 00 to 5206 45 90 and originating in Brazil, Egypt and Turkey.

2. The rate of duty applicable to the net free-at-Community-frontier price before duty shall be as follows :

(a) 25,3 % for cotton yarn originating in Brazil, Taric additional code 8551 with the exception of imports manufactured by the following companies, which shall be subject to the rate of duty mentioned hereunder :

	<i>Rate of duty</i>	<i>Taric additional code</i>
Fábrica de Rendas Arp SA	7,0 %	8552
Nisshinbo do Brasil Indústria Têxtil Ltda	12,1 %	8553
Fiação e Tecelagem Kanebo do Brasil	11,2 %	8554
Filobel SA Indústrias Têxtels do Brasil	12,9 %	8555
Toyobo do Brasil Indústria Têxtil Ltda	12,9 %	8555
Indústria Têxtil Tsuzuki Ltd	12,9 %	8555
SA Têxtil Nova Odessa	12,9 %	8555
Cotonifício de São Bernardo	12,9 %	8555
Companhia Brasileira de Fiação	12,9 %	8555;

b) 12,5 % for cotton yarn originating in Egypt, Taric additional code 8556 with the exception of imports manufactured by the following companies, which shall be subject to the rate of duty mentioned hereunder :

	<i>Rate of duty</i>	<i>Taric additional code</i>
Misr El Amria Spinning & Weaving Co.	12,5 %	8557
Misr Iran Textile Co „Miratex”	4,9 %	8558
Misr Shebin El Kom For Spinning & Weaving (Shebintex)	7,0 %	8559
Unirab Spinning & Weaving Co.	8,4 %	8560
El Siouf Spinning & Weaving Co.	8,1 %	8561
Delta Spinning & Weaving Co.	8,1 %	8561
El Sharkia Spinning & Weaving Co.	8,1 %	8561
Misr Spinning & Weaving Co.	8,1 %	8561
Misr Fine Spinning & Weaving Co.	8,1 %	8561
El Nasr Wool & Selected Textiles Co. „Stia”	8,1 %	8561
Dakhalia Spinning & Weaving Co.	8,1 %	8561

Alexandria Spinning & Weaving Co. 8,1 % 8561;

c) 15,8 % for cotton yarn originating in Turkey, Taric additional code 8562 with the exception of imports manufactured by the following companies, which shall be subject to the rate of duty mentioned hereunder :

	<i>Rate of duty</i>	<i>Taric additional code</i>
Birko (Birlesik Koyunlular Mensucat Tic ve San AŞ)	7,7 %	8563
Ceytaş (Ceyhan Tekstil Sanayii AŞ)	15,8 %	8564
Söktas Pamuk ve Tarım Urunerini Değerlendirme Ticaret ve Sanayii AŞ	10,0 %	8565
Taris (Tarım Satis Kooperatifleri Birli Keri)	8,6 %	8566
Yalova Elyaf ve Iplik Sanayii ve Ticaret AŞ	5,6 %	8567
Yidaş	4,9 %	8568
Sönnez Pamuklu Sanayii AŞ	10,0 %	8569
Cukurova Sanayi isletmeleri TAŞ	10,0 %	8569
Akip Tekstil	10,0 %	8569
Karsu (Tekstil Sanay ve Tic AŞ)	10,0 %	8569
Trakya Iplik Sanayi AŞ	10,0 %	8569
Bisas Bursaiplik Sanayii AŞ	10,0 %	8569
Meptaş Manisali Errensel Pazadama ve Ticaret AŞ	10,0 %	8569
Hateks (Hatay Tekstil isletmeieria AŞ)	10,0 %	8569.

3. The free-at-Community-frontier price as indicated in paragraph 2 shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

4. In cases where the exporting company is not the same as the producing company the rate of duty applicable to the imports of the products of the producing company shall apply.

5. The provisions in force concerning customs duties shall apply.

6. The release for free circulation in the Community of the products originating in Brazil, Egypt and Turkey referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty mentioned in paragraph 2.

Article 2

The anti-dumping proceeding concerning imports of cotton yarn falling within CN codes 5205 11 00 to 5205 45 90 and 5206 11 00 to 5206 45 90 and originating in India and Thailand is hereby terminated.

Article 3

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard by the

Commission within one month of the entry into force of this Regulation.

Article 4

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before that period has elapsed.

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

Done at Brussels, 23 September 1991.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 2819/91
of 26 September 1991
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2779/75 of the Council ⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 26 September 1991 fixing the export refunds on poultrymeat

Product code	Destination of refund (1)	Amount of refund
		ECU/100 units
0105 11 00 000	10	4,20
	09	5,00
0105 19 10 000	01	8,40
0105 19 90 000	01	4,20
		ECU/100 kg
0105 91 00 000	01	17,00
0207 10 11 000	01	15,00
0207 10 15 000	04	34,00
	05	29,00
	06	25,00
0207 10 19 100	04	38,00
	05	33,00
	06	25,00
0207 10 19 900	01	25,00
0207 10 31 000	01	28,00
0207 10 39 000	01	28,00
0207 10 51 000	07	30,00
	08	35,00
0207 10 55 000	07	30,00
	08	40,00
0207 10 59 000	07	30,00
	08	40,00
0207 21 10 000	04	34,00
	05	29,00
	06	25,00
0207 21 90 100	04	38,00
	05	33,00
	06	25,00
0207 21 90 900	01	25,00
0207 22 10 000	01	28,00
0207 22 90 000	01	28,00
0207 23 11 000	07	30,00
	08	40,00
0207 23 19 000	07	30,00
	08	40,00
0207 39 11 110	01	8,00
0207 39 11 190	—	—
0207 39 11 910	—	—
0207 39 11 990	01	50,00
0207 39 13 000	02	30,00
	03	28,00
0207 39 15 000	01	10,00
0207 39 21 000	01	37,00
0207 39 23 000	02	39,00
	03	36,00
0207 39 25 100	02	30,00
	03	28,00
0207 39 25 200	02	30,00
	03	28,00
0207 39 25 300	02	30,00
	03	28,00
0207 39 25 400	01	5,00
0207 39 25 900	—	—
0207 39 31 110	01	8,00
0207 39 31 190	—	—
0207 39 31 910	—	—
0207 39 31 990	01	50,00
0207 39 33 000	01	28,00

Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 kg
0207 39 35 000	01	13,00
0207 39 41 000	01	37,00
0207 39 43 000	01	18,00
0207 39 45 000	01	36,00
0207 39 47 100	01	13,00
0207 39 47 900	—	—
0207 39 55 110	01	8,00
0207 39 55 190	—	—
0207 39 55 910	—	—
0207 39 55 990	01	54,00
0207 39 57 000	01	44,00
0207 39 65 000	01	15,00
0207 39 73 000	07	30,00
	08	44,00
0207 39 77 000	07	29,00
	08	43,00
0207 41 10 110	01	8,00
0207 41 10 190	—	—
0207 41 10 910	—	—
0207 41 10 990	01	50,00
0207 41 11 000	02	30,00
	03	28,00
0207 41 21 000	01	10,00
	01	37,00
0207 41 51 000	02	39,00
	03	36,00
0207 41 71 100	02	30,00
	03	28,00
0207 41 71 200	02	30,00
	03	28,00
0207 41 71 300	02	30,00
	03	28,00
0207 41 71 400	01	5,00
0207 41 71 900	—	—
0207 42 10 110	01	8,00
0207 42 10 190	—	—
0207 42 10 910	—	—
0207 42 10 990	01	50,00
0207 42 11 000	01	28,00
0207 42 21 000	01	13,00
0207 42 41 000	01	37,00
0207 42 51 000	01	18,00
0207 42 59 000	01	36,00
0207 42 71 100	01	13,00
0207 42 71 900	—	—
0207 43 15 110	01	8,00
0207 43 15 190	—	—
0207 43 15 910	—	—
0207 43 15 990	01	54,00
0207 43 21 000	01	44,00
0207 43 31 000	01	15,00
0207 43 53 000	07	30,00
	08	44,00
0207 43 63 000	07	29,00
	08	43,00
1602 39 11 100	01	19,00
1602 39 11 900	—	—

(¹) The destinations are as follows :

- 01 All destinations except the United States of America,
- 02 Egypt, the Canary Islands, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, the Republic of Yemen, Iraq and the Soviet Union,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Singapore, the Republic of Yemen, Iraq and the Soviet Union,
- 05 Canary Islands, Ceuta and Melilla,
- 06 All destinations except the United States of America and those of 04 and 05 above,
- 07 Hungary, Poland, Romania, Yugoslavia, Czechoslovakia and Bulgaria,
- 08 All destinations except the United States of America and those of 07 above,
- 09 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates and the Republic of Yemen,
- 10 All destinations except the United States of America and those of 09 above.

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

COMMISSION REGULATION (EEC) No 2820/91

of 26 September 1991

fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

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

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

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾;

- 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 it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 26 September 1991 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 000	02	5,20
0407 00 19 000	06	3,00
	05	3,80
		ECU/100 kg
0407 00 30 000	04	18,00
	03	28,00
0408 11 10 000	01	96,00
0408 19 11 000	01	47,00
0408 19 19 000	01	51,00
0408 91 10 000	01	90,00
0408 99 10 000	01	15,00

(1) The destinations are as follows :

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

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

COMMISSION REGULATION (EEC) No 2821/91
of 26 September 1991
fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EEC) No 1816/91⁽⁵⁾ last fixed for the period 1 July to 30 September 1991, they must be fixed anew for the period 1 October to 31 December 1991; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 April to 31 August 1991;

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

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

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

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

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

Whereas, by Council Regulations (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁶⁾ and (EEC) 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁷⁾, as last amended by Regulation (EEC) No 523/91⁽⁸⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultry meat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽⁹⁾, as amended by Regulation (EEC) No 3835/90⁽¹⁰⁾, partially or totally suspends Common Tariff duties, in particular on certain poultry meat products;

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁵⁾ OJ No L 166, 28. 6. 1991, p. 14.

⁽⁶⁾ OJ No L 370, 31. 12. 1990.

⁽⁷⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁸⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽⁹⁾ OJ No L 370, 31. 12. 1990, p. 86.

⁽¹⁰⁾ OJ No L 370, 31. 12. 1990, p. 126.

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

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

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	22,56	6,12	—
0105 19 10	99,70	20,23	—
0105 19 90	22,56	6,12	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	78,41	24,72	—
0105 99 10	88,74	38,30	—
0105 99 20	114,49	38,44	—
0105 99 30	103,69	28,95	—
0105 99 50	120,25	40,12	—
0207 10 11	98,51	31,05	—
0207 10 15	112,02	35,31	—
0207 10 19	122,05	38,46	—
0207 10 31	148,13	41,35	—
0207 10 39	162,37	45,33	—
0207 10 51	104,40	45,06	—
0207 10 55	126,77	54,72	—
0207 10 59	140,86	60,80 ⁽²⁾	—
0207 10 71	163,56	54,91	—
0207 10 79	154,64	58,35 ⁽²⁾	—
0207 10 90	171,79	57,32	—
0207 21 10	112,02	35,31	—
0207 21 90	122,05	38,46	—
0207 22 10	148,13	41,35	—
0207 22 90	162,37	45,33	—
0207 23 11	126,77	54,72	—
0207 23 19	140,86	60,80 ⁽²⁾	—
0207 23 51	163,56	54,91	—
0207 23 59	154,64	58,35 ⁽²⁾	—
0207 23 90	171,79	57,32	—
0207 31 00	1 635,60	549,10	3 ⁽³⁾
0207 39 11	287,41	103,15	—
0207 39 13	134,26	42,31	—
0207 39 15	92,74	32,12	—
0207 39 17	64,20	22,23	—
0207 39 21	184,83	58,26	—
0207 39 23	173,63	54,73	—
0207 39 25	285,34	98,82	—
0207 39 27	64,20	22,23	—
0207 39 31	311,07	86,84	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	178,61	49,86	—
0207 39 35	92,74	32,12	—
0207 39 37	64,20	22,23	—
0207 39 41	237,01	66,16	—
0207 39 43	111,10	31,01	—
0207 39 45	199,98	55,82	—
0207 39 47	285,34	98,82	—
0207 39 51	64,20	22,23	—
0207 39 53	324,74	122,54 ⁽²⁾	—
0207 39 55	287,41	103,15 ⁽²⁾	—
0207 39 57	154,95	66,88	—
0207 39 61	170,10	64,19 ⁽²⁾	—
0207 39 63	188,97	63,05	—
0207 39 65	92,74	32,12 ⁽²⁾	—
0207 39 67	64,20	22,23 ⁽²⁾	—
0207 39 71	231,96	87,53 ⁽²⁾	—
0207 39 73	184,83	58,26 ⁽²⁾	—
0207 39 75	224,23	84,61 ⁽²⁾	—
0207 39 77	173,63	54,73 ⁽²⁾	—
0207 39 81	196,99	79,16 ⁽²⁾	—
0207 39 83	285,34	98,82	—
0207 39 85	64,20	22,23	—
0207 39 90	164,07	56,82	10
0207 41 10	287,41	103,15	—
0207 41 11	134,26	42,31	—
0207 41 21	92,74	32,12	—
0207 41 31	64,20	22,23	—
0207 41 41	184,83	58,26	—
0207 41 51	173,63	54,73	—
0207 41 71	285,34	98,82	—
0207 41 90	64,20	22,23	—
0207 42 10	311,07	86,84	—
0207 42 11	178,61	49,86	—
0207 42 21	92,74	32,12	—
0207 42 31	64,20	22,23	—
0207 42 41	237,01	66,16	—
0207 42 51	111,10	31,01	—
0207 42 59	199,98	55,82	—
0207 42 71	285,34	98,82	—
0207 42 90	64,20	22,23	—
0207 43 11	324,74	122,54 ⁽²⁾	—
0207 43 15	287,41	103,15 ⁽²⁾	—
0207 43 21	154,95	66,88	—
0207 43 23	170,10	64,19 ⁽²⁾	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	188,97	63,05	—
0207 43 31	92,74	32,12 ⁽²⁾	—
0207 43 41	64,20	22,23 ⁽²⁾	—
0207 43 51	231,96	87,53 ⁽²⁾	—
0207 43 53	184,83	58,26 ⁽²⁾	—
0207 43 61	224,23	84,61 ⁽²⁾	—
0207 43 63	173,63	54,73 ⁽²⁾	—
0207 43 71	196,99	79,16 ⁽²⁾	—
0207 43 81	285,34	98,82	—
0207 43 90	64,20	22,23	—
0207 50 10	1 635,60	549,10	3 ⁽³⁾
0207 50 90	164,07	56,82	10
0209 00 90	142,67	49,41	—
0210 90 71	1 635,60	549,10	3
0210 90 79	164,07	56,82	10
1501 00 90	171,20	59,29	18
1602 31 11	296,26	82,70	17
1602 31 19	313,87	108,70	17
1602 31 30	171,20	59,29	17
1602 31 90	99,87	34,59	17
1602 39 11	282,62	102,86	—
1602 39 19	313,87	108,70	17
1602 39 30	171,20	59,29	17
1602 39 90	99,87	34,59	17

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

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

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

COMMISSION REGULATION (EEC) No 2822/91

of 26 September 1991

introducing a countervailing charge on fresh lemons originating in Argentina

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 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 the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

Whereas Commission Regulation (EEC) No 1438/91 of 30 May 1991 fixing for the 1991/92 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I at ECU 56,33 per 100 kilograms net for the month of September 1991;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for fresh lemons originating in Argentina the entry prices calculated in this way have for six consecutive market days been alternatively above and below the reference price; whereas three of these entry prices are at least ECU 0,6 below the reference prices; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 14,92 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Argentina.

Article 2

This Regulation shall enter into force on 28 September 1991.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 3 October 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 137, 31. 5. 1991, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2823/91

of 26 September 1991

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2561/91⁽⁷⁾, as last amended by Regulation (EEC) No 2796/91⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

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

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

Whereas these exchange rates being those recorded on 25 September 1991;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2561/91 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 27 September 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 240, 29. 8. 1991, p. 19.

⁽⁸⁾ OJ No L 269, 25. 9. 1991, p. 24.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 26 September 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1991 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) ^(*)
1102 90 30	224,06	230,10
1103 12 00	224,06	230,10
1103 29 30	224,06	230,10
1104 12 10	126,97	129,99
1104 12 90	248,96	255,00
1104 22 10 10 ^(*)	126,97	129,99
1104 22 10 90 ^(*)	224,06	227,08
1104 22 30	224,06	227,08
1104 22 50	199,17	202,19
1104 22 90	126,97	129,99

^(*) Taric code: clipped oats.

^(*) Taric code: CN code 1104 22 10, other than 'clipped oats'.

^(*) 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 2824/91
of 26 September 1991
fixing the import levies on frozen beef and veal

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

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 1628/91 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on frozen beef and veal were
fixed by Commission Regulation (EEC) No 1828/91 ⁽³⁾, as
last amended by Regulation (EEC) nr. 2542/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1828/91 to the quota-
tions and other information known to the Commission

that the levies should be altered to the amounts set out in
the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 166, 28. 6. 1991, p. 49.

⁽⁴⁾ OJ No L 238, 27. 8. 1991, p. 20.

ANNEX

to the Commission Regulation of 26 September 1991 fixing the import levies on frozen beef and veal ⁽¹⁾

(ECU/100 kg)	
CN code	Levy
	— Net weight —
0202 10 00	(¹) 187,587
0202 20 10	(¹) 187,587
0202 20 30	(¹) 150,070
0202 20 50	(¹) 234,484
0202 20 90	(¹) 281,381
0202 30 10	(¹) 234,484
0202 30 50	(¹) 234,484
0202 30 90	(¹) 322,650
0206 29 91	(¹) 322,650

(¹) In accordance with amended Regulation (EEC) No 715/90, 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.

COMMISSION REGULATION (EEC) No 2825/91**of 26 September 1991****fixing the import levies on live cattle and on beef and veal other than frozen**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Commission Regulation (EEC) No 1827/91 ⁽³⁾ as last amended by Regulation (EEC) No 2541/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1827/91 to the quota-

tions and other information 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 on live cattle and on beef and veal other than frozen shall be as specified in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 166, 28. 6. 1991, p. 45.

⁽⁴⁾ OJ No L 238, 27. 8. 1991, p. 18.

ANNEX

to the Commission Regulation of 26 September 1991 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	15,035	(¹) 131,663
0102 90 31	23,099	15,035	(¹) 131,663
0102 90 33	—	15,035	(¹) 131,663
0102 90 35	23,099	15,035	(¹) 131,663
0102 90 37	23,099	15,035	(¹) 131,663
— Net weight —			
0201 10 10	—	28,567	(¹) 250,160
0201 10 90	43,888	28,567	(¹) 250,160
0201 20 21	—	28,567	(¹) 250,160
0201 20 29	43,888	28,567	(¹) 250,160
0201 20 31	—	22,854	(¹) 200,128
0201 20 39	35,110	22,854	(¹) 200,128
0201 20 51	52,665	34,281	(¹) 300,192
0201 20 59	52,665	34,281	(¹) 300,192
0201 20 90	—	42,851	(¹) 375,240
0201 30 00	—	49,015	(¹) 429,221
0206 10 95	—	49,015	(¹) 429,221
0210 20 10	—	42,851	375,240
0210 20 90	—	49,015	429,221
0210 90 41	—	49,015	429,221
0210 90 90	—	49,015	429,221
1602 50 10	—	49,015	429,221
1602 90 61	—	49,015	429,221

(¹) In accordance with amended Regulation (EEC) No 715/90, 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.

(²) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 2826/91

of 26 September 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁷⁾;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1991 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	06	110,00
	02	0
1001 10 90 000	04	120,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	77,00
	06	31,00
	02	20,00
1002 00 00 000	03	31,00
	07	85,00
	02	30,00
1003 00 10 000	—	—
1003 00 90 000	04	31,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	121,00
1101 00 00 130	01	113,00
1101 00 00 150	01	104,00
1101 00 00 170	01	96,00
1101 00 00 180	01	90,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	121,00
1102 10 00 900	—	—
1103 11 10 100	01	205,00
1103 11 10 200	01	205,00
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	121,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 The Soviet Union,
- 06 Algeria,
- 07 Zone II b).

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 2827/91

of 26 September 1991

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75 ⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the exist-

ing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

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

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁸⁾,
- 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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1991 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	0	—	—
1001 10 90 000	01	0	0	0	0	0	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 600	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	0	0	0
1103 11 10 200	01	0	0	0	0	0	0	0
1103 11 10 500	01	0	0	0	0	0	0	0
1103 11 10 900	01	0	0	0	0	0	0	0
1103 11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 2828/91

of 26 September 1991

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1991.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1991 fixing the export refunds on rice and broken rice

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	160,89
1006 20 15 000	01	160,89
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	160,89
1006 20 96 000	01	160,89
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	160,89
1006 30 25 000	01	160,89
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	160,89
1006 30 46 000	01	160,89
1006 30 48 000	—	—
1006 30 61 100	01	201,11
	02	207,11
	03	212,11
	04	201,11
1006 30 61 900	—	—
1006 30 63 100	01	201,11
	02	207,11
	03	212,11
	04	201,11
1006 30 63 900	01	201,11
	04	201,11
1006 30 65 100	01	201,11
	02	207,11
	03	212,11
	04	201,11
1006 30 65 900	01	201,11
	04	201,11
1006 30 67 100	—	—
1006 30 67 900	—	—

(ECU/tonne)

Product code	Destination (1)	Amount of refunds
1006 30 92 100	01	201,11
	02	207,11
	03	212,11
	04	201,11
1006 30 92 900	01	201,11
	04	201,11
1006 30 94 100	01	201,11
	02	207,11
	03	212,11
	04	201,11
1006 30 94 900	01	201,11
	04	201,11
1006 30 96 100	01	201,11
	02	207,11
	03	212,11
	04	201,11
1006 30 96 900	01	201,11
	04	201,11
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows:

01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,

03 Zones zones IV, V a), VII c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1).

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 3049/89 (JO No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 2829/91

of 26 September 1991

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1806/89⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence ;

Whereas Commission Regulation No 474/67/EEC⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice ;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne ; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne ;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76 ; whereas the cif forward delivery price is that determined in accordance

with Article 3 (2) of Council Regulation (EEC) No 1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation ;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1991.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1991 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 10	1st period 11	2nd period 12	3rd period 1
1006 20 11 000	—	—	—	—	—
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	—	—	—	—	—
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	—	—	—	—	—
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	—	—	—	—	—
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 61 900	—	—	—	—	—
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0

(ECU/tonne)

Product code	Destination (1)	Current 10	1st period 11	2nd period 12	3rd period 1
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 94 900	01	0	0	0	0
	04	0	0	0	0
1006 30 96 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows:

01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Canary Islands, Ceuta and Melilla,

03 Zones IV, V a), VII c), Canada and zone VIII, except Suriname, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1).

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 3049/89 (JO No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 2830/91

of 26 September 1991

fixing the corrective amount applicable to the refund on 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 Council Regulation (EEC) No 3577/90⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for

making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

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

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 26 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1991 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

(ECU/tonne)

Product code	6th period 4	7th period 5	8th period 6	9th period 7	10th period 8	11th period 9
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2831/91**of 26 September 1991****suspending advance fixing of export refunds on certain cereals exported in the form of pasta products**

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 the second paragraph of Article 16 (7) thereof,

Having regard to Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 3381/90 ⁽⁴⁾, and in particular the second subparagraph of Article 5 (3) thereof,

Whereas Article 18 (7) of Regulation (EEC) No 2727/75 and Article 5 (3) of Regulation (EEC) No 3035/80 make provision for advance fixing of the refund to be suspended for basic products exported in the form of certain goods;

Whereas the situation on certain markets may make it necessary for the refunds on certain products to be adjusted; whereas in order to prevent applications for advance fixing of refunds for speculative purposes, the abovementioned advance fixing should be suspended until this adjustment comes into force,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of export refunds on durum and common wheat, meslin, wheat or meslin flour, durum and common wheat groats and meal, exported in the form of pasta products falling within CN codes 1902 11 and 1902 19 destined for the United States of America, is suspended up to 30 September 1991.

Article 2

This Regulation shall enter into force on 27 September 1991.

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

Done at Brussels, 26 September 1991.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 9 September 1991

amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs

(91/508/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs⁽¹⁾, as last amended by Commission Directive 91/336/EEC⁽²⁾, and in particular Article 7 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the Annexes have been codified by Commission Directive 91/248/EEC⁽³⁾;

Whereas a new use of the antibiotic 'salinomycin sodium', the sweetener 'neohesperidine dihydrochalcone', the vitamin D₃ and the trace element 'iron', in the form of a ferrous chelate of amino acids hydrate has been successfully tested in certain Member States; whereas, on the basis of experience gained, it appears that these new uses can be authorized throughout the Community;

Whereas certain studies have cast doubt on the effectiveness of the carotenoid 'violaxanthin', whereas it is advisable to ban the use of this colourant;

Whereas the use of a new coccidiostat has been successfully tested in certain Member States; whereas it is suitable provisionally to authorize this new use at national level while waiting for it to be authorized at Community level;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annexes to Directive 70/524/EEC are hereby amended as set out in the Annex hereto.

Article 2

Member States shall, by 30 November 1992 at the latest, bring into force the laws, regulations or administrative provisions necessary to comply with Article 1. They shall inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 9 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 185, 11. 7. 1991, p. 31.

⁽³⁾ OJ No L 124, 18. 5. 1991, p. 1.

ANNEX

1. In Annex I:

(a) In part A 'Antibiotics',

(aa) item E 714 'Monensin-sodium', the following is added in the column 'Other provisions' after the word 'equines':

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated';

(bb) the following item is added:

EEC No	Additives	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedingsuff			
E 716	Salinomycin sodium	C ₂₂ H ₄₀ O ₁₁ Na (sodium salt of a polyether monocarboxylic acid produced by <i>Streptomyces albus</i>)	Piglets Pigs	4 months 6 months	30	60	Indicate in the instructions for use : — 'Dangerous for equines' ; — 'This feedingsuff contains on ionophore : simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated.'	
					15	30		

(b) In part C 'Aromatic and appetizing substances', point 2, the following item is inserted:

EBC No	Additives	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Other provisions
					Maximum content	mg/kg of complete feedingstuff	
E 959	Neohesperidine dihydrochalcone	C ₂₈ H ₃₆ O ₁₅	Piglets Dogs	4 months —	— —	35 35	— —

(c) in part D 'Coccidiostats and other medicinal substances':

(aa) item E 757 'Monensin-sodium', the following sentence is added in the column 'Other provisions' after the word 'equines':

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated';

(bb) item E 763 'Lasalocid-sodium', the following sentence is added in the column 'Other provisions':

'Indicate in the instructions for use:

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances can be contra indicated';

(cc) item E 765 'Narasin', the following sentence is added in the column 'Other provisions' after the word 'equines':

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated';

(dd) item E 766 'Salinomycin-sodium' the following sentence is added in the column 'Other provisions' after the word 'equines':

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated';

(d) in part F 'Colouring matters including pigments', point 1 'Carotenoids and xanthophylls', item E 161e 'Violaxanthin' is deleted;

(e) in part H 'Vitamins, provitamins and chemically well-defined substances having similar effect':

(aa) item E 670 'Vitamin D₃', in the column 'Species or category of animal' the indication 'Other species or categories of animals with the exception of poultry' is replaced by the indication 'Other species or categories of animals with the exception of poultry and fish';

(bb) item E 671 'Vitamin D₃', the following indications are inserted after those concerning the category 'Other poultry':

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Maximum content in/kg of complete feedingstuff or of the daily ration	Other provisions
			Fish	—	3 000	Simultaneous use of vitamin D ₃ prohibited

(f) In part I 'Trace elements', the wording of item E 1 'Iron-Fe' is completed as follows:

EEC No	Element	Additive	Chemical formula	Maximum content of the element in mg/kg of the complete feedingstuff	Other provisions
		Ferrous chelate of amino acids hydrate	Fe(x).nH ₂ O (where x equals an anion of any amino acids derived from hydrolyzed soya-protein) molecular weight not exceeding 1 500	—	—

2. In Annex II in part D 'Coccidiostats and other medicinal substances':

(a) item 20 'Lasalocid sodium', the following sentence is added in the column 'Other provisions':

'Indicate in the instructions for use:

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances can be contra indicated';

(b) item 21 'Maduramicin ammonium', the following sentence is added in the column 'Other provisions' after the word 'equines':

'This feedingstuff contains an ionophore; simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated';

(c) item 23 'Narasin/Nicarbazin' the following sentence is added in the column 'Other provisions' after the word 'equines':

'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances (e.g. tiamulin) can be contra indicated';

(d) the following item is added:

EEC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff	Maximum content mg/kg of complete feedingstuff	Other provisions	Period of authorization
24	Diclazuril	(+)-4-chlorophenyl[2,6-dichloro-4-(2,3,4,5-tetrahydro-3,5-dioxo-1,2,4-triazin-2-yl)phenyl] acetonitrile	Chickens for fattening	—	1	1	Use prohibited at least 5 days before slaughter	30. 11. 1992

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries

(Official Journal of the European Communities No L 370 of 31 December 1990)

On page 32, Annex II, part 3:

Delete: '2926 10 00 Acrylnitril',
 '4421 90 99 Other articles of wood'.

Corrigendum to Commission Regulation (EEC) No 2770/91 of 20 September 1991 fixing the amount of the subsidy on oil seeds

(Official Journal of the European Communities No L 265 of 21 September 1991)

On page 28 in Annex II, point 1, second indent, '2nd period' column:

for: '25,037',
read: '26,037'.

Corrigendum to Commission Decision 91/436/EEC of 18 July 1991 approving the programme for the monitoring of enzootic bovine leukosis presented by Ireland and fixing the level of the Community's financial contribution

(Official Journal of the European Communities No L 236 of 24 August 1991)

On page 27, in Article 1:

for: 'Spain',
read: 'Ireland'.
