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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2832/91

of 23 September 1991

extending the validity of the provisional anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EEC) No 1386/91⁽²⁾ imposed a provisional anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose an

extension of the validity of the provisional duty for a period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand imposed by Regulation (EEC) No 1386/91 is hereby extended for a period of two months. The duty shall cease to apply if, before the expiry of that period, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 23 September 1991.

For the Council

The President

P. BUKMAN

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 133, 28. 5. 1991, p. 20.

COUNCIL REGULATION (EEC) No 2833/91

of 23 September 1991

extending the validity of the provisional anti-dumping duty on imports of oxalic acid originating in India and China

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EEC) No 1472/91 ⁽²⁾ imposed *inter alia* a provisional anti-dumping duty on imports of oxalic acid originating in India and China;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose an extension of the validity of the provisional duty for a period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of oxalic acid originating in India and China imposed by Regulation (EEC) No 1472/91 is hereby extended for a period of two months. The duty shall cease to apply if, before the expiry of that period, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 23 September 1991.

For the Council

The President

P. BUKMAN

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 138, 1. 6. 1991, p. 62.

COUNCIL REGULATION (EEC) No 2834/91

of 23 September 1991

collecting definitively the provisional countervailing duty on imports of polyester fibres and polyester yarns originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the Additional Protocol⁽²⁾ to the Agreement establishing an Association between the European Economic Community and Turkey, and in particular Article 46 thereof,

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

Whereas :

A. Provisional measures and subsequent procedure

- (1) The Commission, by Regulation (EEC) No 1432/91⁽³⁾ (hereinafter referred to as the Commission Regulation) imposed a provisional countervailing duty on imports of polyester fibres and polyester yarns originating in Turkey.
- (2) Following the imposition of the provisional countervailing duty, the Turkish Government, three exporters and one importer made written submissions making known their views on the findings. The Turkish Government and one exporter who so requested were granted an opportunity to be heard by the Commission.
- (3) The oral and written submissions and comments of the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.

B. Length of proceeding

- (4) The initiation of this proceeding was announced in a notice published in the *Official Journal of the European Communities*⁽⁴⁾. The investigation of subsidies covered the period 1 July 1987 to 31

December 1988. The investigation exceeded the normal time period because of the volume and complexity of the data initially gathered and examined.

The Turkish Government and one Turkish exporter argued that the Commission had exceeded a reasonable period to finalize this proceeding and that some data was therefore out of date.

In this regard the Council has noted that for a considerable period of time before the imposition of countervailing duties, the Commission had, in vain, discussed with the Turkish authorities the possibility of an undertaking.

The Council confirmed the explanation of the Commission as outlined in recital 6 of the Commission Regulation.

C. Subsidization

General

- (5) The Council considered in this specific case whether it would be appropriate to countervail subsidy schemes which were abolished after the investigation period.

The Council, taking into account evidence supplied by the Turkish Government and being convinced that no further benefits will accrue after the abolition of these subsidy schemes and in the understanding of the non re-introduction of these subsidies, considered it unnecessary to impose countervailing duties against such schemes.

Specific schemes

- (6) The Commission identified 11 subsidy schemes, of which a number were considered countervailable.

Specific arguments were made on the following schemes by the Turkish Government and the Turkish exporters.

Corporate tax exemption

- (7) The Turkish Government and one Turkish exporter did not challenge the fact that this subsidy is contingent upon export performance, but contested the basis on which the Commission had calculated the level of countervailability of this

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 4.

⁽³⁾ OJ No L 137, 31. 5. 1991, p. 8.

⁽⁴⁾ OJ No C 33, 9. 2. 1989, p. 7.

scheme. The Turkish Government proposed to use as a basis the exemption rate (14 %) which will apply to export earnings in 1992, but will not come into effect until 1993.

The corporate tax exemption scheme exempted from corporate taxation 20 % of the export earnings of manufacturing companies in 1989 and 18 % of export earnings in 1990. This percentage has been lowered to 16 % in 1991, but it will not come into effect until 1992. The Turkish Government has further reduced the exemption rate to 14 % of export earnings in 1992, which will come into effect in 1993. The Commission considered that, as the present cost to the Turkish Government and the benefit to the companies concerned was based on the companies' 1990 export earnings, the 18 % exemption rate which is applicable in 1991, should form the basis for calculating the level of countervailability of this scheme. It would not be justified at this stage to anticipate a further reduction in the cost and benefit of this scheme in future years. The Council confirmed this finding.

Low interest credit for investment purposes

- (8) The Turkish Government and one Turkish exporter have stated that this scheme was abolished in January 1990. As adequate proof was given and considered acceptable by the Council, this scheme was considered to be no longer countervailable.

Incentive premium

- (9) The Turkish Government and one exporter have stated that this scheme was abolished in November 1989. Leaving aside the fact that the Commission had not been informed of this fact when imposing provisional countervailing duties, the actual benefit accruing to the companies which benefited under this scheme was negligible and therefore did not and will not have any effect on the duties. The Council did not take into account the benefits of this scheme.

Investment incentive allowance

- (10) The Turkish Government and one Turkish exporter alleged that the Commission used for this scheme, as well as for the customs exemption, a depreciation period which was not representative of the normal depreciation period in Turkey. They claimed that the normal depreciation period in

Turkey is from eight to ten years, with companies free to choose their own period.

- (11) In this respect the Commission based its findings on information obtained during the verification visits which showed the normal depreciation period in the industry concerned to be four years.
- (12) In addition, one Turkish exporter noted that if the benefit from this scheme was calculated on the basis of polyester fibre and yarn investments only, rather than on all investments, a lower subsidy amount would accrue to them. The exporter was unable to quantify satisfactorily the amount of subsidy relating solely to investments in polyester fibre and yarns and therefore the Commission's calculations have been based on the only reliable evidence provided by the company concerned, i.e. on all its investments benefiting from this scheme.

In these circumstances, the Council confirmed all methods of the Commission's basis of calculating the countervailable amount of subsidy for this scheme.

Customs exemption

- (13) The Turkish Government and one Turkish exporter have stated that the customs duty rate on which exemption is claimed was reduced from 30 % to 5 % in November 1989. Satisfactory evidence has been provided to that effect. The Council has taken account of this fact in calculating the countervailable amount of this subsidy.

Other schemes

- (14) The Council confirmed the Commission's findings not to take measures against the Resource Utilization Support Fund (recital 9 of Commission Regulation), the Rebate of Indirect Taxes (recitals 10 and 11), because these two schemes ended before the end of the investigation period, nor against the Support and Price Stabilization Fund (recital 17) because the products involved are not eligible for payments from this Fund nor against the Low Interest Credit for Operational Phase (recital 29), because its benefits were negligible.

D. Specificity

- (15) The Turkish Government and one Turkish exporter have further advanced the argument that domestic subsidies can only be countervailable if they have been provided in a specific manner to the benefiting industry. The Turkish Government

claimed the domestic subsidies which the Commission has found countervailable are, however all granted under generally available incentive schemes.

- (16) The Council noted the way domestic subsidies are granted in Turkey. A company must obtain an incentive certificate from the State Planning Organization (SPO). To assist this decision, the SPO has established a list of non-eligible industries for domestic incentive schemes. In addition the SPO carries out on a case-by-case basis, an analysis of each investment application which is normally accompanied by a so-called feasibility study, and decides subsequently whether and if a company obtains one or any of the subsidies under the domestic schemes described.

Under these circumstances, there is every reason to believe that the allocation of the subsidies in question was not carried out in accordance with neutral and objective criteria.

The Commission requested the Turkish authorities to submit conclusive evidence as to the general availability of the subsidies in question, which however was not supplied.

Under these circumstances, the Council shares the Commission's conviction that the Turkish system does not entitle the applying companies to obtain automatically the subsidies they claim once the criteria are met.

- (17) The consequence of these arguments is that the Council cannot accept the allegations that these schemes are generally available. Consequently the Council considered these schemes to be specifically granted.
- (18) In addition, even those domestic subsidies which were allocated according to the state of development of the region in which the benefiting company was located, were found to have been granted specifically and in all cases, in the most developed regions of Turkey.
- (19) Therefore it was clear that there was no effective general availability of these subsidies between companies, nor between regions where differing eligible percentages have been established according to the state of development of the region. The Council considered them countervailable.

E. Total amount of subsidies

- (20) The total amounts of countervailable subsidies determined by the Council are as follows:

SASA	9,99 %,
Sonmez Filament	9,13 %,
Sonmez ASF	9,35 %,
Sifas	9,39 %,
Polylen	8,79 %,
Polyteks	10,16 %.

The individual amounts of countervailable subsidies found by scheme have been notified to each of the companies concerned. For reasons of confidentiality they are not published here.

F. Injury

- (21) In the Commission Regulation it was found that four products were concerned by these proceedings and that the Community industry was manufacturing like products. As far as the assessment of the effect of the subsidized imports was concerned, it was however argued that the polyester fibres and yarns exported by the Turkish companies and those of the Community producers were not similar products since they were of different qualities. These imports could, therefore, not have caused material injury to the Community production of like products. These arguments were not accepted in the Commission Regulation since these differences in quality between Turkish and Community products, if any, were so minor, that no clear product distinction between them could be made. This conclusion was further supported by the similarity of the end uses of these products.
- (22) The Council confirmed that in this case the basic physical characteristics of the exported and Community-produced products and their uses were identical. In addition, the end-users are the same and the only decisive element of distinction between the imported and the Community-produced products is price. Price is, however, largely influenced by the subsidization by the Turkish Government. In these circumstances, there is no clear and decisive element of distinction between these products.
- (23) The Council confirms therefore the Commission findings that the Community production has to be considered as like products to the imported subsidized products.
- (24) In its provisional findings, the Commission concluded that the Community fibres and yarn industry had experienced material injury owing to the subsidized imports from Turkey.

- (25) These injury findings were based mainly on the following facts:

As far as the volume of the subsidized imports was concerned, the Commission established in its Regulation that imports of yarn increased from 233 tonnes in 1984 to 13 315 tonnes in 1988; an increase in market share from 0 % to 5 %, and that that of fibres fluctuated around 4 % and was 3,3 % in 1988. In this respect, it has to be recalled that in June 1988 provisional anti-dumping duties were imposed ⁽¹⁾ on the imports of most of the products concerned, which probably had an effect on the import volumes. No comments were submitted in this respect.

- (26) The market share of the Community industry decreased for fibres from 79 % in 1984 to 75 % in 1988 and for yarns from 81 % in 1984 to 69,8 % in 1988. As far as prices were concerned between 1985 and the investigation period, considerable price depressions from 5 % for textured yarn, 12 % for polyester filament yarn, 20 % for fibre and 26 % for POY were established.

In addition, it was found that the majority of the Community industry suffered heavy losses in 1988, in some instances up to 26 % for fibres and 15 % for yarns.

- (27) The Council confirms therefore the findings of the Commission as given in recitals 50 to 53 of its Regulation.
- (28) The Commission has further established that during the investigation period the prices in the Community of Turkish imported products were on average lower than the corresponding prices of the Community manufactured like products by the following percentages: for fibres: 18 to 22 %; for Turkish polyester filament yarn: 65 %; for Turkish POY: 30 %, and for Turkish textured yarn between 25 to 43 %.
- (29) In this respect, the Turkish Government and one Turkish exporter argued that the price undercutting margins were not correct, since no adjustments of the Turkish prices had been made in order to take account of the alleged differences in physical characteristics between the Turkish and the Community products. However, no effect on prices of these alleged differences was proved to the satisfaction of the Commission, either by the Turkish Government or by the exporter concerned. Accordingly, this claim was rejected.
- (30) In addition, it has to be recalled that, even if the alleged differences were to have a certain effect on the prices and thus on the price comparability of the products, this effect would never be such as to compensate for the huge undercutting margins

established and verified by the Commission. The Council therefore confirmed the price-undercutting analysis of the Commission.

Conclusion

- (31) In the light of the Commission's finding as shown in recital 53 of its Regulation and the abovementioned considerations, the Council confirmed that the Turkish exporters had considerably increased their market presence, reverted to price undercutting and that Community industry is suffering material injury.

G. Causality

- (32) As already shown in recital 54 of the Commission Regulation, the markets concerned were highly price-sensitive and transparent. The large price undercutting of the Turkish exports, which to a large extent was covered by the substantial subsidy margin, had thus clearly an effect on the prices of Community industry.

In this respect, the Turkish government alleged that with a small market share, the Turkish exports could not have an injurious effect on the prices of Community industry. However, in this particular market, where only a relatively limited number of suppliers exist and the price situation is transparent, low prices charged by exporters which have only a relatively small market share can nevertheless have a considerably detrimental effect on the general price level, and force the Community producers to align their prices on these low-priced imports at the expense of their profitability.

- (33) It was further argued that the price depression, which as such is not contested, was mainly caused by falling raw material costs. The Council was however of the opinion, that while falling raw material prices may have had a decreasing effect on prices, this does not explain the fact that the Community industry was prevented from selling at profitable prices. Thus, the price undercutting by the subsidized imports increased the price depressing effect, and forced the prices down beyond the normal price development due to cost reductions.
- (34) The Turkish Government and one Turkish exporter argued that the material injury to Community industry had been caused by other factors, either by the dumped imports from several countries against which anti-dumping duties are in force, or by low prices of fairly priced imports.

In this respect, the Council was aware that it had imposed anti-dumping duties on imports of three of the investigated products from several countries. These measures were supposed to eliminate the injury caused by the dumping of these exports.

⁽¹⁾ Provisional duty: OJ No L 151, 17. 6. 1988, p. 39 and 47.

However, apart from the fact that the findings in the anti-dumping cases related to a different reference period, the anti-dumping duties were for most Turkish companies and most products based on the dumping margins found for Turkey and did not completely eliminate injury. Consequently, the subsidization of imports had an additional injurious impact on Community industry, which has not been eliminated by these anti-dumping measures.

Indeed, Article 4 of Regulation (EEC) No 2423/88 does not provide that injury can only be established if subsidization is the only, or the principal cause of the overall injury suffered by an industry. Therefore, injury caused by subsidization may justify protective measures, even if it is only a part of a larger injury due also to other factors. In this particular case, the investigation has indeed shown that in spite of the anti-dumping measures taken the situation of the Community industry is still precarious and that, thus, the measures against dumped imports have not fully remedied the injury caused by unfair pricing.

(35) It was further claimed by the Turkish authorities that the difficulties encountered by the Community industry were predominantly caused by fundamental structural problems.

(36) Council acknowledged that the Community industry had suffered major economic problems in the past. To overcome these problems, the Community producers had taken a number of restructuring measures, which had improved their performance. This restructuring of the Community industry has however now been jeopardized by unfair and injurious pricing of various imports by a number of countries, as evidenced by the profitability figures set out in recital 52 of the Commission Regulation. The Council considered it therefore incorrect to blame structural problems for the injury actually caused by unfair pricing.

(37) The Turkish Government further argued, that as the effect of dumped imports from Turkey was considered together with that of dumped imports from five other countries in assessing injury in these anti-dumping cases, the Council would — *a contrario* — not have the possibility in this anti-subsidies case to determine whether the subsidized imports from Turkey have caused injury.

(38) However, for the reasons given in recitals 56 to 58 of the Commission Regulation and in view of the above considerations the Council confirms that the

subsidized Turkish imports have caused material injury to Community industry.

H. Community interest

(39) The Commission has stated in recitals 59 to 63 of its Regulation the reasons why the interest of the Community called for intervention to prevent injury during the proceeding. The Council considered these reasons to be valid.

One Turkish exporter and the Turkish Government argued, however, that duties would prevent price competition on the Community market, which would not be in the Community interest.

(40) In this respect, the Council recalls that countervailing duties are intended to re-establish a fair competitive situation and that it is therefore necessary to eliminate the effect of the subsidy on the imports, resulting in the Community industry being further exposed to fair competition, also from exports by the Turkish companies, on the Community market. Therefore, the Council confirmed the Commission findings concerning the Community interest.

I. The Additional Protocol to the EEC — Turkey Association Agreement

(41) The Turkish Government contended that the Commission did not use the appropriate instrument against the Turkish subsidy schemes by imposing duties under Regulation (EEC) No 2423/88, since special rules exist under the Additional Protocol to the EEC-Turkey Association Agreement of 23 November 1970.

(42) Article 43 (2) of this Additional Protocol, which allows Turkey to be considered as being in a situation specified in Article 92 (3) (a) of the EEC Treaty, considers such aid compatible with the proper functioning of the Association only if it does not alter the conditions of trade to an extent inconsistent with the mutual interest of the Contracting Parties.

The Turkish Government was of the opinion that hence it was entitled under Article 43 (2) to grant these subsidies.

(43) The Council considered however that the Commission has correctly assessed its findings on injury and causality and it further confirmed that by the subsidization of the Turkish imports, the conditions of trade have been altered in a manner which is inconsistent with the mutual interest of the Contracting Parties.

- (44) The Community has, in accordance with Article 45 of the Additional Protocol, further submitted to the Association Council for its approval, the countervailing duties which the Community intends to collect definitively on imports of fibres and yarns from Turkey. In the absence however of any decision, under Article 45 by the Association Council, the Community is further allowed under Article 46 of the Additional Protocol to take safeguard measures which it feels appropriate in order to overcome difficulties due to this absence of a decision of the Association Council.

J. GATT — Subsidies code — Developing countries

- (45) The Turkish Government alleged further that, contrary to recitals 36 and 37 of the Commission Regulation, the requirements of Article 14 of the Agreement on interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (subsidies code) had been violated.
- (46) With regard to domestic subsidies, the special provisions for developing countries (Article 14 subsidies code) however do not restrict the possibility for another signatory to apply its countervailing-duty laws, in case subsidized exports from a developing country cause material injury to its domestic industry (Article 14 (7) GATT subsidies code).

In addition, in so far, as export subsidies are concerned, the Council has noted in this respect that Turkey has entered into a commitment *vis-à-vis* the signatories of the GATT subsidies code (Article 14 (5) and (6)) to phase out its export subsidies at the end of 1989. Turkey has not respected this commitment.

- (47) The Council considered that the Community is entitled under the subsidies code to apply countervailing duties.

K. Injury threshold

- (48) The Commission has calculated the amount of the duty necessary to remove the injury by comparing, for each of the four products, the prices of the Turkish products in the Community during the investigation period with a target price of the Community industry calculated on the average production costs for each product of representative Community producers plus a reasonable profit margin (6 % for fibre and 7 % for yarns). The differences between these two prices were considered to constitute the amount by which the prices

of the Turkish products should be increased at the Community frontier in order to remove the injury caused by the subsidized imports.

The Turkish Government and one Turkish exporter considered that, in calculating the injury threshold, a profit margin of 3 % is a more realistic margin to apply to Community producers. No basis has been provided, however, to justify applying a 3 % profit margin. The Council noted that the Commission established the profit margin on the basis of the average profit margin of Community producers in 1985 and 1986 since for most of that period the injurious impact on Community producers of unfairly priced third country imports was still moderate.

In these circumstances, the Council confirmed the basis of selecting the level of profit margin used in this instance and thus the findings set out in recitals 64 and 65 of the Commission Regulation.

L. Undertaking

- (49) Following the Parties being informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty, the Government of Turkey offered an undertaking which is considered to be acceptable.

The effect of this undertaking will be to phase out the most important export subsidy (the Corporate Tax Exemption), which will remedy the material injury caused by the Turkish subsidies.

After consultation with the Advisory Committee, this undertaking was accepted by Commission Decision 91/511/EEC⁽¹⁾. The Council has further noted that the investigation in this case has been terminated.

- (50) Since part of these rates of definitive countervailing duties would have been suspended in view of the anti-dumping duties imposed by Regulations (EEC) No 3905/88⁽²⁾ and 3946/89⁽³⁾, only net definitive countervailing duties would have been imposed as listed in Article 1 of this Regulation.

M. Cumulation of anti-dumping duties and countervailing duties

- (51) The Commission has set out in recitals 67 to 70 of the Commission Regulation, the question as to

⁽¹⁾ See page 92 of this Official Journal.

⁽²⁾ OJ No L 347, 16. 12. 1988, p. 10.

⁽³⁾ OJ No L 348, 17. 12. 1988, p. 49.

whether anti-dumping duties and countervailing duties can be cumulated in accordance with Article 13 (9) Regulation (EEC) No 2423/88 and Article VI (5) of the GATT.

- (52) The Council accepted the reasoning as set out in recitals 67 to 70 of the Commission Regulation and it confirmed that Article 13 (9) does not preclude the imposition of countervailing duties in addition to anti-dumping duties against the domestic subsidies found, as well as against export subsidies which cannot have influenced the anti-dumping duty since the companies concerned benefited from them after the anti-dumping duties were imposed.
- (53) While the anti-dumping duties are in force, that part of the countervailing duty which corresponds to the export subsidies which will have influenced the dumping margin, should only be imposed to the extent that it exceeds the anti-dumping duty.

N. Collection of provisional duties

- (54) In view of the subsidy level definitively established as mentioned above and the seriousness of the injury caused to the Community industry, the Council considered it necessary that amounts collected by way of provisional countervailing duties should be definitively collected at the level of the net countervailing duty established (Article 1 of this Regulation).

HAS ADOPTED THIS REGULATION:

Article 1

The amounts collected or secured by way of provisional countervailing duty pursuant to Regulation (EEC) No 1432/91 shall be collected at the following rates of duty:

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

Done at Brussels, 23 September 1991.

- (i) polyester staple fibres = 3,19 %
(Taric additional code : 8527).

For the company mentioned hereunder, the following rate shall apply:

- Sonmez Filament = 0,58 %
(Taric additional code : 8526);

- (ii) polyester textured filament yarn = 1,98 %
(Taric additional code : 8532).

For the companies mentioned hereunder, the following rates shall apply:

- Sasa = 1,31 %
(Taric additional code : 8531),
— Sonmez Filament = 0,58 %
(Taric additional code : 8530),
— Sonmez ASF = 0,58 %
(Taric additional code : 8529),
— Polyteks = 1,48 %
(Taric additional code : 8528);

- (iii) polyester filament yarn = 9,99 %
(Taric additional code : 8534).

The following company shall be exempted from this rate:

- Sonmez Filament
(Taric additional code : 8533);

- (iv) partially oriented polyester yarn (POY) = 7,29 %
(Taric additional code : 8536).

The following company shall be exempted from this rate:

- Sonmez ASF
(Taric additional code : 8535).

Amounts provisionally collected or secured which are not covered by the above rates shall be released.

Article 2

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

For the Council

The President

P. BUKMAN

COUNCIL REGULATION (EEC) No 2835/91

of 23 September 1991

amending a definitive anti-dumping duty following a partial review of anti-dumping measures concerning imports of urea originating in Venezuela and terminating the review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9, 12 and 14 thereof,

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

Whereas :

A. PROCEDURE

- (1) In November 1990, pursuant to Article 14 of Regulation (EEC) No 2423/88, the Commission received a request for a review of the anti-dumping measures imposed on imports of urea originating in Trinidad and Tobago and Venezuela by Council Regulation (EEC) No 450/89⁽²⁾ and Commission Decision 89/143/EEC⁽³⁾.
- (2) With regard to Trinidad and Tobago, this request was made by the Trinidad and Tobago Urea Company Ltd, the successor to the National Energy Corporation of Trinidad and Tobago Ltd, which had offered an undertaking in connection with the abovementioned Decision which had been accepted. The review was requested on the ground of a change in circumstances, resulting from the fact that a fall in production costs and a substantial increase in the prices of exports to the Community had put an end to any dumping.
- (3) With regard to Venezuela, the request made by Venezolana del Nitrogeno CA (Nitroven) and Petroquimica de Venezuela SA (Pequiven) for a review of the definitive anti-dumping duty of 21,5 % imposed by Regulation (EEC) No 450/89 was based on the change in circumstances brought about by an adjustment on 14 March 1989 of the

official rate of exchange which had been used by the Commission to compare the normal value and the export price in order to calculate the dumping margin. According to these companies, the application of the new exchange rate would show that there was no dumping.

B. SUBSEQUENT PROCEEDING

- (4) Having concluded that the requests for review contained sufficient evidence of a change in circumstances, the Commission, by a notice published in the *Official Journal of the European Communities*⁽⁴⁾, announced its decision to open a review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago and in Venezuela.
- (5) The Commission officially notified the producers/exporters directly involved and the representatives of the exporting countries.
- (6) The Commission collected and verified all information it deemed necessary to enable it to establish the facts and carried out checks at the premises of the exporting companies involved, namely:
 - Trinidad and Tobago Urea Co Ltd (TTUC), Port of Spain, Trinidad,
 - Petroquimica de Venezuela SA (Pequiven), Caracas, Venezuela,
 - Venezolana del Nitrogeno CA (Nitroven), Caracas, Venezuela,
 - Palmaven SA, Caracas, Venezuela.
- (7) The investigation of dumping as provided for in Article 7 (1) (c) of Regulation (EEC) No 2423/88 covered the period from 1 January 1990 to 31 December 1990.

C. PRODUCT

- (8) The product in question is a nitrogen compound whose chemical formula is $\text{CO}(\text{NH}_2)_2$. It is produced synthetically from a reaction between

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 52, 24. 2. 1989, p. 1.

⁽³⁾ OJ No L 52, 24. 2. 1989, p. 37.

⁽⁴⁾ OJ No C 55, 2. 3. 1991, p. 4.

ammonia and carbonic acid and comprises approximately 45 % nitrogen. Urea is sold in prilled form (Trinidad and Tobago), granular form (Venezuela) or liquid form. It is mainly used as fertilizer.

Urea falls within CN codes 3102 10 10 and 3102 10 99.

D. DUMPING REVIEW

I. Trinidad and Tobago

(a) *Normal value:*

- (9) as TTUC's average urea sales price on its domestic market was lower than the production cost during the period of the investigation, the constructed normal value was used, in accordance with Article 2 (3) (b) (ii) of Council Regulation (EEC) No 2423/88.

- (10) The constructed normal value was calculated by adding a profit margin of 7 % to the cost of production. This margin was held to be reasonable, given that, in the current economic climate, it represents the minimum necessary to allow urea producers to run their plants under normal operating conditions while producing an acceptable return on capital employed and securing the investment financing required to continue operating at a profit;

(b) *export prices:*

- (11) export prices were established on the basis of the prices actually paid or payable for the product sold for export to the Community, in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88;

(c) *comparison:*

- (12) the constructed normal value was compared, transaction by transaction, with export prices at the ex-factory stage.

In accordance with Article 2 (10) of Regulation (EEC) No 2423/88, the Commission made due allowance in the form of adjustments for differences affecting price comparability, such as transport, insurance and handling charges, credit terms, commissions and ancillary costs;

(d) *anti-dumping margin:*

- (13) an examination of the above facts showed that no dumping was taking place.

II. Venezuela

(a) *Normal value:*

- (14) as urea is sold on the domestic Venezuelan market at prices fixed by government decree that are lower than the cost of production, the constructed normal value was used, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

- (15) The constructed normal value was calculated by adding a profit margin of 7 % to the cost of production. This margin was held to be reasonable, given that, in the current economic climate, it represents the minimum necessary to allow urea producers to run their plants under normal operating conditions while producing an acceptable return on capital employed and securing the investment financing required to continue operating at a profit;

(b) *export prices:*

- (16) no urea originating in Venezuela was exported to the Community during the investigation period;

(c) *comparison:*

- (17) under these circumstances, it was not possible to compare the normal value and the export price.

E. CONCLUSIONS

I. Termination of the review as regards Trinidad and Tobago

- (18) Given that there is no evidence of dumping and in view of the behaviour of the exporter involved, which has generally respected its undertaking and has also substantially increased the prices of its exports to the Community, the Council is of the opinion that the anti-dumping measures currently imposed on this country should be lifted.

- (19) Under these circumstances, the Council considers that the review of the anti-dumping measures concerning imports of urea originating in Trinidad and Tobago should be terminated.

- (20) This conclusion has not met with any objections from the anti-dumping committee.

II. Amendment of the definitive duties as regards Venezuela

- (21) As regards Venezuela, in the absence of any exports to the Community, it is not possible to verify the accuracy of the argument put forward by the exporters claiming that the application of the new offi-

cial exchange rate has put an end to dumping. Consequently, the fairest solution would appear to be to abolish the *ad valorem* duty of 21.5 % currently in force, replacing it with a variable duty based on the new normal value for the exporters, as established in the course of the present proceeding.

- (22) As regards the injury, in their request the exporters argued that the injury had been eliminated as a result of the fact that there had been no exports to the Community, and that the prices of Community producers had risen steadily since the imposition of the anti-dumping duty.

The Council observes that as a result of the previous anti-dumping proceeding, the exporters decided to suspend all exports to the Community. The Council is of the opinion that this suspension can be interpreted neither as an indication that the injury has been eliminated nor as a change of circumstances justifying a review of the injury.

Furthermore, as regards the claim that Community producers have raised their prices, even should this claim be substantiated, these price increases would be a normal consequence of the existence of anti-dumping measures.

Consequently, the Council does not consider the arguments advanced concerning injury to be relevant.

- (23) However, as noted above, the Council considers that a fair response to the exporters' request would be to take account of the results of this proceeding and to base the variable anti-dumping duty on the exporters' new normal value.

This variable anti-dumping duty is established in the form of a minimum price, free at Community frontier, calculated on the basis of the cost of producing the urea as established in the course of the investigation period, plus a reasonable profit margin plus the ancillary costs incurred up to the Community frontier. On this basis, the minimum price free at Community frontier is ECU 110,50 per tonne.

It should be noted that this minimum price is lower than the price used as a basis for calculating the *ad valorem* duty established in the previous proceeding.

- (24) The *ad valorem* duty of 21,5 % is retained for imports of urea originating in Venezuela, with the exception of urea exported by Pequiven and Nitroven.
- (25) These conclusions have not met with any objections from the anti-dumping committee.

- (26) All the producers/exporters involved in this proceeding and the representatives of the Community producers were informed of the main facts and considerations on the basis of which it was proposed to recommend the termination of the review as regards Trinidad and Tobago and the amendment of the definitive measures as regards Venezuela. They were also granted a period of time in which to make their comments known following notification. The Commission noted their remarks and took due account of them,

HAS ADOPTED THIS REGULATION :

Article 1

1. The review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago is hereby terminated.

2. The undertaking made by the National Energy Corporation of Trinidad and Tobago Ltd, and taken up by the Trinidad and Tobago Urea Company LTD (TTUC), which had been accepted by Council Regulation (EEC) No 3339/87⁽¹⁾, as last amended by Regulation (EEC) No 450/89, and confirmed by Commission Decision 89/143/EEC, is hereby cancelled.

Article 2

The anti-dumping duty of 21,5 % (additional code 8550) imposed by Regulation (EEC) No 450/89 on imports of urea originating in Venezuela and falling within CN codes 3102 10 10 and 3102 10 99 shall be retained for imports of urea originating in Venezuela, with the exception of urea produced and exported to the Community by Venezolana del Nitrogeno CA (Nitroven) and Petroquímica de Venezuela SA (Pequiven) (additional code 8549), for which the anti-dumping duty shall be the difference between the net price per tonne free at Community frontier, not cleared through customs, and the sum of ECU 110,50 per tonne.

Article 3

The provisions in force concerning customs duties shall apply.

Article 4

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

⁽¹⁾ OJ No L 317, 7. 11. 1987, p. 1.

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 2836/91

of 27 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 26 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 28 September 1991.

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

Done at Brussels, 27 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 27 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 ⁽⁴⁾
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	49,26
1008 20 00	120,92 ⁽⁴⁾
1008 30 00	49,38 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	49,38
1101 00 00	227,47 ⁽⁶⁾
1102 10 00	238,17 ⁽⁶⁾
1103 11 10	286,50 ⁽⁶⁾
1103 11 90	245,33 ⁽⁶⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2837/91

of 27 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 26 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 28 September 1991.

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

Done at Brussels, 27 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 27 September 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 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

(ECU/tonne)

CN code	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 2838/91
of 27 September 1991
fixing the import levies on rice and broken rice

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

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

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 Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30⁽³⁾, as last amended by Regulation (EEC) No 674/91⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2590/91⁽⁵⁾, as last amended by Regulation (EEC) No 2760/91⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 243, 31. 8. 1991, p. 5.

⁽⁶⁾ OJ No L 265, 21. 9. 1991, p. 5.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾) (⁽³⁾) Bangladesh	Third countries (except ACP or OCT) (⁽³⁾)
1006 10 21	—	146,83	300,86
1006 10 23	204,32	132,61	272,42
1006 10 25	204,32	132,61	272,42
1006 10 27	204,32	132,61	272,42
1006 10 92	—	146,83	300,86
1006 10 94	204,32	132,61	272,42
1006 10 96	204,32	132,61	272,42
1006 10 98	204,32	132,61	272,42
1006 20 11	—	184,44	376,08
1006 20 13	255,39	166,66	340,52
1006 20 15	255,39	166,66	340,52
1006 20 17	255,39	166,66	340,52
1006 20 92	—	184,44	376,08
1006 20 94	255,39	166,66	340,52
1006 20 96	255,39	166,66	340,52
1006 20 98	255,39	166,66	340,52
1006 30 21	—	228,46	480,78 (⁽³⁾)
1006 30 23	415,92 (⁽³⁾)	265,39	554,56 (⁽³⁾)
1006 30 25	415,92 (⁽³⁾)	265,39	554,56 (⁽³⁾)
1006 30 27	415,92 (⁽³⁾)	265,39	554,56 (⁽³⁾)
1006 30 42	—	228,46	480,78 (⁽³⁾)
1006 30 44	415,92 (⁽³⁾)	265,39	554,56 (⁽³⁾)
1006 30 46	415,92 (⁽³⁾)	265,39	554,56 (⁽³⁾)
1006 30 48	415,92 (⁽³⁾)	265,39	554,56 (⁽³⁾)
1006 30 61	—	243,66	512,03 (⁽³⁾)
1006 30 63	445,87 (⁽³⁾)	284,89	594,49 (⁽³⁾)
1006 30 65	445,87 (⁽³⁾)	284,89	594,49 (⁽³⁾)
1006 30 67	445,87 (⁽³⁾)	284,89	594,49 (⁽³⁾)
1006 30 92	—	243,66	512,03 (⁽³⁾)
1006 30 94	445,87 (⁽³⁾)	284,89	594,49 (⁽³⁾)
1006 30 96	445,87 (⁽³⁾)	284,89	594,49 (⁽³⁾)
1006 30 98	445,87 (⁽³⁾)	284,89	594,49 (⁽³⁾)
1006 40 00	—	74,11	154,23

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

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

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

(⁽⁴⁾) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(⁽⁵⁾) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 2839/91

of 27 September 1991

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

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

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

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 Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice
and broken rice were fixed by Commission Regulation
(EEC) No 2591/91 ⁽³⁾, as last amended by Regulation
(EEC) No 2761/91 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 243, 31. 8. 1991, p. 8.

⁽⁴⁾ OJ No L 265, 21. 9. 1991, p. 7.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the premiums to be added to the import levies on rice and broken rice

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

COMMISSION REGULATION (EEC) No 2840/91

of 27 September 1991

fixing 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 the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice ⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals ⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78 ⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽⁹⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁰⁾, as last amended by Regulation (EEC) No 523/91 ⁽¹¹⁾;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries ⁽¹²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽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 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹⁰⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹¹⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽¹²⁾ OJ No L 370, 31. 12. 1990.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3842/90⁽²⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽³⁾, as amended by Regulation (EEC) No 222/88⁽⁴⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 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, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 September 1991 fixing 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) (*)
0714 10 10 (*)	138,38	145,03
0714 10 91	142,01 (*) (7)	142,01
0714 10 99	140,20	145,03
0714 90 11	142,01 (*) (7)	142,01
0714 90 19	140,20 (*)	145,03
1102 20 10	219,13	225,17
1102 20 90	124,17	127,19
1102 30 00	159,48	162,50
1102 90 10	255,62	261,66
1102 90 30	215,12	221,16
1102 90 90	135,43	138,45
1103 12 00	215,12	221,16
1103 13 11	219,13	225,17
1103 13 19	219,13	225,17
1103 13 90	124,17	127,19
1103 14 00	159,48	162,50
1103 19 10	290,32	296,36
1103 19 30	255,62	261,66
1103 19 90	135,43	138,45
1103 21 00	288,58	294,62
1103 29 10	290,32	296,36
1103 29 20	255,62	261,66
1103 29 30	215,12	221,16
1103 29 40	219,13	225,17
1103 29 50	159,48	162,50
1103 29 90	135,43	138,45
1104 11 10	144,85	147,87
1104 11 90	284,02	290,06
1104 12 10	121,90	124,92
1104 12 90	239,02	245,06
1104 19 10	288,58	294,62
1104 19 30	290,32	296,36
1104 19 50	219,13	225,17
1104 19 91	270,81	276,85
1104 19 99	238,99	245,03
1104 21 10	227,22	230,24
1104 21 30	227,22	230,24
1104 21 50	355,03	361,07
1104 21 90	144,85	147,87
1104 22 10 10 (*)	121,90	124,92
1104 22 10 90 (*)	215,12	218,14
1104 22 30	215,12	218,14
1104 22 50	191,22	194,24
1104 22 90	121,90	124,92
1104 23 10	194,78	197,80
1104 23 30	194,78	197,80

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) ⁽¹⁾
1104 23 90	124,17	127,19
1104 29 11	213,23	216,25
1104 29 15	214,52	217,54
1104 29 19	212,43	215,45
1104 29 31	256,51	259,53
1104 29 35	258,06	261,08
1104 29 39	212,43	215,45
1104 29 91	163,53	166,55
1104 29 95	164,52	167,54
1104 29 99	135,43	138,45
1104 30 10	120,24	126,28
1104 30 90	91,31	97,35
1106 20 10	138,38 ⁽²⁾	145,03
1106 20 91	192,37 ⁽²⁾	216,55
1106 20 99	192,37 ⁽²⁾	216,55
1107 10 11	285,37	296,25
1107 10 19	213,23	224,11
1107 10 91	252,78	263,66 ⁽²⁾
1107 10 99	188,87	199,75
1107 20 00	220,12	231,00 ⁽²⁾
1108 11 00	352,70	373,25
1108 12 00	196,00	216,55
1108 13 00	196,00	216,55 ⁽⁴⁾
1108 14 00	98,00	216,55
1108 19 10	228,68	259,51
1108 19 90	98,00 ⁽²⁾	216,55
1109 00 00	641,28	822,62
1702 30 51	255,65	352,37
1702 30 59	196,00	262,49
1702 30 91	255,65	352,37
1702 30 99	196,00	262,49
1702 40 90	196,00	262,49
1702 90 50	196,00	262,49
1702 90 75	267,83	364,55
1702 90 79	186,26	252,75
2106 90 55	196,00	262,49
2302 10 10	59,37	65,37
2302 10 90	127,22	133,22
2302 20 10	59,37	65,37
2302 20 90	127,22	133,22
2302 30 10	59,37	65,37
2302 30 90	127,22	133,22
2302 40 10	59,37	65,37
2302 40 90	127,22	133,22
2303 10 11	243,48	424,82

-
- (1) 6 % *ad valorem*, subject to certain conditions.
- (2) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (3) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (4) Taric code : clipped oats.
- (5) Taric code : CN code 1104 22 10, other than 'clipped oats'.
- (6) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (7) 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.
- (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 2841/91
of 27 September 1991
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fixing regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/90 ⁽²⁾, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾;

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⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾,
- 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 level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no

refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 28 September 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		70,00
0402 10 19 000		70,00
0402 10 91 000		0,7000
0402 10 99 000		0,7000
0402 21 11 200		70,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		112,00
0402 21 17 000		70,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		112,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88

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

Product code	Destination (*)	Amount of refund
0402 29 15 200		0,7000
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,7000
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—

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

Product code	Destination (*)	Amount of refund
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		70,00
0403 90 13 200		70,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,7000
0403 90 33 200		0,7000
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		1,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		70,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		70,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		70,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		70,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,7000
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,7000
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,7000
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,7000
0404 90 93 130		0,9972
0404 90 93 150		1,0600

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		127,02
0405 00 10 300		159,80
0405 00 10 500		163,90
0405 00 10 700	056	195,00 (*)
	...	168,00
0405 00 90 100		168,00
0405 00 90 900		215,32
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	***	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

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

Product code	Destination (°)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

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

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
0406 90 15 900	...	159,34
		—

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

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	***	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
	***	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	***	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	89,96

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	***	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	***	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	***	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	***	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	***	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	***	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	***	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		1,50
2309 10 15 300		2,00
2309 10 15 400		2,50
2309 10 15 500		3,00
2309 10 15 700		3,50

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		1,50
2309 10 19 300		2,00
2309 10 19 400		2,50
2309 10 19 500		3,00
2309 10 19 600		3,50
2309 10 19 700		3,75
2309 10 19 800		4,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		21,00
2309 10 70 200		28,00
2309 10 70 300		35,00
2309 10 70 500		42,00
2309 10 70 600		49,00
2309 10 70 700		56,00
2309 10 70 800		61,60
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		1,50
2309 90 35 300		2,00
2309 90 35 400		2,50
2309 90 35 500		3,00
2309 90 35 700		3,50
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		1,50
2309 90 39 300		2,00
2309 90 39 400		2,50
2309 90 39 500		3,00
2309 90 39 600		3,50
2309 90 39 700		3,75
2309 90 39 800		4,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		21,00
2309 90 70 200		28,00
2309 90 70 300		35,00
2309 90 70 500		42,00
2309 90 70 600		49,00
2309 90 70 700		56,00
2309 90 70 800		61,60
2309 90 70 900		—

(¹) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 91/91 (OJ No L 11, 16. 1. 1991, p. 5).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

(²) This amount shall not apply to butter exported pursuant to Commission Regulations (EEC) No 3775/90 (OJ No L 364, 28. 12. 1990, p. 2), for which the refund applicable is that fixed for the other destinations.

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 2842/91
of 27 September 1991
fixing the import levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1653/91 ⁽³⁾, as last amended by Regulation (EEC) No 2703/91 ⁽⁴⁾;

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

known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 22.

⁽⁴⁾ OJ No L 256, 13. 9. 1991, p. 33.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		18,21
0401 10 90		17,00
0401 20 11		24,81
0401 20 19		23,60
0401 20 91		29,89
0401 20 99		28,68
0401 30 11		75,72
0401 30 19		74,51
0401 30 31		144,74
0401 30 39		143,53
0401 30 91		241,88
0401 30 99		240,67
0402 10 11	(*)	131,06
0402 10 19	(*)	123,81
0402 10 91	(*) (*)	1,2381/kg + 28,59
0402 10 99	(*) (*)	1,2381/kg + 21,34
0402 21 11	(*)	178,94
0402 21 17	(*)	171,69
0402 21 19	(*)	171,69
0402 21 91	(*)	217,75
0402 21 99	(*)	210,50
0402 29 11	(*) (*) (*)	1,7169/kg + 28,59
0402 29 15	(*) (*)	1,7169/kg + 28,59
0402 29 19	(*) (*)	1,7169/kg + 21,34
0402 29 91	(*) (*)	2,1050/kg + 28,59
0402 29 99	(*) (*)	2,1050/kg + 21,34
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	144,74
0402 91 59	(*)	143,53
0402 91 91	(*)	241,88
0402 91 99	(*)	240,67
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,4111/kg + 24,97
0402 99 39	(*) (*)	1,4111/kg + 23,76
0402 99 91	(*) (*)	2,3825/kg + 24,97
0402 99 99	(*) (*)	2,3825/kg + 23,76
0403 10 02		131,06
0403 10 04		178,94

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

CN code	Note	Import levy
0403 10 06		217,75
0403 10 12	(¹)	1,2381/kg + 28,59
0403 10 14	(¹)	1,7169/kg + 28,59
0403 10 16	(¹)	2,1050/kg + 28,59
0403 10 22		27,22
0403 10 24		32,30
0403 10 26		78,13
0403 10 32	(¹)	0,2118/kg + 27,38
0403 10 34	(¹)	0,2626/kg + 27,38
0403 10 36	(¹)	0,7209/kg + 27,38
0403 90 11		131,06
0403 90 13		178,94
0403 90 19		217,75
0403 90 31	(¹)	1,2381/kg + 28,59
0403 90 33	(¹)	1,7169/kg + 28,59
0403 90 39	(¹)	2,1050/kg + 28,59
0403 90 51		27,22
0403 90 53		32,30
0403 90 59		78,13
0403 90 61	(¹)	0,2118/kg + 27,38
0403 90 63	(¹)	0,2626/kg + 27,38
0403 90 69	(¹)	0,7209/kg + 27,38
0404 10 11		27,34
0404 10 19	(¹)	0,2734/kg + 21,34
0404 10 91	(²)	0,2734/kg
0404 10 99	(²)	0,2734/kg + 21,34
0404 90 11		131,06
0404 90 13		178,94
0404 90 19		217,75
0404 90 31		131,06
0404 90 33		178,94
0404 90 39		217,75
0404 90 51	(¹)	1,2381/kg + 28,59
0404 90 53	(¹) (²)	1,7169/kg + 28,59
0404 90 59	(¹)	2,1050/kg + 28,59
0404 90 91	(¹)	1,2381/kg + 28,59
0404 90 93	(¹) (²)	1,7169/kg + 28,59
0404 90 99	(¹)	2,1050/kg + 28,59
0405 00 10		249,37
0405 00 90		304,23
0406 10 10	(⁴)	233,20
0406 10 90	(⁴)	285,03
0406 20 10	(³) (⁴)	388,10
0406 20 90	(⁴)	388,10
0406 30 10	(³) (⁴)	184,92
0406 30 31	(³) (⁴)	175,21
0406 30 39	(³) (⁴)	184,92
0406 30 90	(³) (⁴)	281,64

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

CN code	Note	Import levy
0406 40 00	(³) (*)	148,14
0406 90 11	(³) (*)	225,56
0406 90 13	(³) (*)	181,87
0406 90 15	(³) (*)	181,87
0406 90 17	(³) (*)	181,87
0406 90 19	(³) (*)	388,10
0406 90 21	(³) (*)	225,56
0406 90 23	(³) (*)	188,31
0406 90 25	(³) (*)	188,31
0406 90 27	(³) (*)	188,31
0406 90 29	(³) (*)	188,31
0406 90 31	(³) (*)	188,31
0406 90 33	(⁴)	188,31
0406 90 35	(³) (*)	188,31
0406 90 37	(³) (*)	188,31
0406 90 39	(³) (*)	188,31
0406 90 50	(³) (*)	188,31
0406 90 61	(⁴)	388,10
0406 90 63	(⁴)	388,10
0406 90 69	(⁴)	388,10
0406 90 71	(⁴)	233,20
0406 90 73	(⁴)	188,31
0406 90 75	(⁴)	188,31
0406 90 77	(⁴)	188,31
0406 90 79	(⁴)	188,31
0406 90 81	(⁴)	188,31
0406 90 83	(⁴)	188,31
0406 90 85	(⁴)	188,31
0406 90 89	(³) (*)	188,31
0406 90 91	(⁴)	233,20
0406 90 93	(⁴)	233,20
0406 90 97	(⁴)	285,03
0406 90 99	(⁴)	285,03
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		95,28
2309 10 19		123,75
2309 10 39		115,80
2309 10 59		95,17
2309 10 70		123,75
2309 90 35		95,28
2309 90 39		123,75
2309 90 49		115,80
2309 90 59		95,17
2309 90 70		123,75

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

COMMISSION REGULATION (EEC) No 2843/91
of 27 September 1991
fixing the import levies on compound feedingstuffs

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 the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽³⁾, as last amended by Regulation (EEC) No 944/87 ⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals

must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽⁶⁾, as last amended by Regulation (EEC) No 523/91 ⁽⁷⁾;

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 Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁹⁾,
- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

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. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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, 27 September 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 27 September 1991 fixing the import levies on compound feedingstuffs

(ECU / tonne)

CN code	Levies	
	ACP and OCT	Third countries (other than ACP and OCT) ⁽¹⁾
2309 10 11	19,48	30,36
2309 10 13	629,19	640,07
2309 10 31	60,87	71,75
2309 10 33	670,58	681,46
2309 10 51	121,74	132,62
2309 10 53	731,45	742,33
2309 90 31	19,48	30,36
2309 90 33	629,19	640,07
2309 90 41	60,87	71,75
2309 90 43	670,58	681,46
2309 90 51	121,74	132,62
2309 90 53	731,45	742,33

⁽¹⁾ 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 2844/91

of 27 September 1991

on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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⁾), and in particular Article 4 thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1991/92 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 4 of Regulation (EEC) No 1431/76 enabling the amount of refund to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice (⁽⁴⁾), as last amended by Regulation (EEC) No 409/90 (⁽⁵⁾), apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI and Zone VIII, excluding Guyana, Madagascar and Suriname, noted in Annex I to Regulation (EEC) No 1124/77 (⁽⁶⁾), as last amended by Regulation (EEC) No 3049/89 (⁽⁷⁾);

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

Article 1

1. An invitation to tender is hereby opened, for the export refund referred to in Article 4 of Regulation (EEC) No 1431/76, for Zones I to VI and Zone VIII excluding Guyana, Madagascar and Suriname, of Annex I to Regulation (EEC) No 1124/77.

2. The invitation to tender shall be open until 18 June 1992. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 500 tonnes but not more than 5 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 20 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3719/88 (⁽⁸⁾), export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

(⁽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 61, 7. 3. 1975, p. 25.

(⁽⁵⁾) OJ No L 43, 17. 2. 1990, p. 21.

(⁽⁶⁾) OJ No L 134, 28. 5. 1977, p. 53.

(⁽⁷⁾) OJ No L 292, 11. 10. 1989, p. 10.

(⁽⁸⁾) OJ No L 331, 2. 12. 1988, p. 1.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76:

- either to fix a maximum export refund, taking account of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 1431/76,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 10 October 1991 at 10 a.m. (Belgian time).

The final date for submission of tenders is hereby fixed at 18 June 1992.

Article 9

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

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled round grain rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenders	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 2845/91

of 27 September 1991

opening an invitation tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries

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 Article 17 thereof,

Having regard to 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⁾, and in particular Article 4 thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1991/92 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the refunds, and therefore to apply Article 4 of Regulation (EEC) No 1431/76 enabling the refund amount to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽⁴⁾, as last amended by Regulation (EEC) No 409/90 ⁽⁵⁾, apply to this invitation to tender;

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

1. An invitation to tender is hereby opened, for the export refund referred to in Article 4 of Regulation (EEC) No 1431/76, for Zones II (a) and III as specified in Annex I to Regulation (EEC) No 1124/77.

2. The invitation to tender shall be open until 18 June 1992. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 50 tonnes but not more than 5 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 20 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽⁶⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

⁽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 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ No L 43, 17. 2. 1990, p. 21.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76:

- either to fix a maximum export refund, taking account of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 1431/76,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall be 10 a.m. (Belgian time) on 10 October 1991.

The final date for submission of tenders is hereby fixed at 18 June 1992.

Article 9

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

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenders	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 2846/91

of 27 September 1991

on an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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⁾, and in particular Article 4 thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1991/92 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 4 of Regulation (EEC) No 1431/76 enabling the amount of refund to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice⁽⁴⁾, as last amended by Regulation (EEC) No 409/90⁽⁵⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the invitation to tender should be limited to certain zones specified in Annex I to Regulation (EEC) No 1124/77⁽⁶⁾, as last amended by Regulation (EEC) No 3049/89⁽⁷⁾;

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

Article 1

1. An invitation to tender is hereby opened, for the export refund referred to in Article 4 of Regulation (EEC) No 1431/76, for Zones I, II (b), IV, V, VI and VIII (except Guyana, Madagascar and Surinam, as specified in Annex I to Regulation (EEC) No 1124/77.

2. The invitation to tender shall be open until 18 June 1991. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 50 tonnes but not more than 5 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 20 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁸⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

⁽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 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ No L 43, 17. 2. 1990, p. 21.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁷⁾ OJ No L 292, 11. 10. 1989, p. 10.

⁽⁸⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76:

- either to fix a maximum export refund, taking account of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 1431/76,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 10 October 1991 at 10 a.m. (Belgian time).

The final date for submission of tenders is hereby fixed at 18 June 1992.

Article 9

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

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenders	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 2847/91

of 27 September 1991

opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EEC) No 1258/91⁽⁴⁾, provides in particular for detailed rules on the invitation to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91, provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

Article 1

Separate invitations to tender are opened in Great Britain, Denmark, Ireland, Northern Ireland and Germany for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be made to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 14 October 1991 to the relevant intervention agency.

Article 3

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

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 120, 15. 5. 1991, p. 15.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

COMMISSION REGULATION (EEC) No 2848/91
of 27 September 1991

**amending Regulation (EEC) No 2213/76 on the sale of skimmed-milk powder
from public storage**

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organizations of the
market in milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 1630/91 ⁽²⁾, and in particular Article 7 (5)
thereof,

Whereas Commission Regulation (EEC) No 2213/76 ⁽³⁾,
as last amended by Regulation (EEC) No 3047/90 ⁽⁴⁾,
limited the quantity of skimmed-milk powder put up for
sale by the Member States' intervention agencies to that
taken into storage before 1 April 1990;

Whereas, having regard to the market situation, that date
should be replaced by 1 May 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2213/76, '1 April
1990' is hereby replaced by '1 May 1990'.

Article 2

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

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 249, 11. 9. 1976, p. 6.

⁽⁴⁾ OJ No L 292, 24. 10. 1990, p. 13.

COMMISSION REGULATION (EEC) No 2849/91

of 27 September 1991¹

amending Regulation (EEC) No 162/67 on the method of fixing the export refund on flour, groats and meal of wheat and of rye

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 16 (6) thereof,

Whereas Article 1 of Commission Regulation (EEC) No 162/67 on the method of fixing the export refund on flour, groats and meal of wheat and of rye⁽³⁾ defines the quantity of cereals necessary for the manufacture of one tonne of common wheat or rye flour and of one tonne of common wheat and durum wheat groats and meal with a view to the fixing of the export refund on such products; whereas those quantities must be reduced in line with the technical progress achieved in the meanwhile; whereas, moreover, practice has shown that certain variations in those quantities according to the ash content of the products may be done away with;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 162/67 is hereby replaced by the following:

Article 1

1. When the refund on common wheat or spelt flour and meslin flour is being fixed, the quantities of wheat necessary for the manufacture of 1 000 kilograms of those products shall, according to their ash content referred to dry matter, be as follows:

Ash content per 100 g of flour (expressed in mg)	Number of kg of common wheat per 1 000 kg of flour
0 to 600	1 370
600 to 900	1 280
901 to 1 100	1 180
1 101 to 1 650	1 090
1 651 to 1 900	1 020

2. When the refund on rye flour is being fixed, the quantities of rye necessary for the manufacture of 1 000 kilograms of this product shall, according to its ash content referred to dry matter, be as follows:

Ash content per 100 g of flour (expressed in mg)	Number of kg of rye per 1 000 kg of flour
0 to 1 400	1 370
1 401 to 2 000	1 080

3. When the refund on common wheat groats and meal with an ash content of from 0 to 600 mg referred to dry matter per 100 g of groats and meal is being fixed, the quantity of common wheat necessary for the manufacture of 1 000 kg of those products shall be 1 370 kg.

4. When the refund on durum wheat groats and meal is being fixed, the quantities of durum wheat necessary for the manufacture of 1 000 kg of this product shall, according to its ash content referred to dry matter, be as follows:

Ash content per 100 g of groats and meal (expressed in mg)	Number of kg of durum wheat per 1 000 kg of groats and meal
0 to 1 300 (serve with 0,160 mm mesh)	1 500
0 to 1 300	1 340
Over 1 300	1 260

5. The ash content of the flour referred to in paragraphs 1 and 2 shall be determined in accordance with the method of analysis specified 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 128, 27. 6. 1967, p. 2574/67.

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, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2850/91

of 27 September 1991

laying down certain, additional detailed rules for the application of the supplementary trade mechanism (STM) to trade in fruit and vegetables between Spain and the Community as constituted on 31 December 1985 as regards certain fruit and vegetables

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables ⁽¹⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89 ⁽²⁾ establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas tomatoes, lettuce, broad-leaf endives, carrots, artichokes, table grapes, and melons are included in the list;

Whereas Commission Regulation (EEC) No 3944/89 ⁽³⁾, as amended by Regulation (EEC) No 245/90 ⁽⁴⁾, lays down detailed rules for applying the supplementary trade mechanism, hereinafter called the 'STM', to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 1951/91 ⁽⁵⁾ lays down that the periods referred to in Article 2 of Regulation (EEC) No 3210/89 shall be up to 29 September 1991 for the above products; whereas in view of expected exports from Spain to the rest of the Community, with the exception of Portugal, and of the Community market situation, a period I should be fixed for the products in question excepting tomatoes; whereas, on the basis of the abovementioned criteria a period II should be determined for tomatoes from 7 October until 10 November; whereas indicative ceilings should be determined pursuant to Article 3 of Regulation (EEC) No 3210/89 for short periods given the sensitivity of this product;

Whereas it should be stipulated that the provisions of Regulation (EEC) No 3944/89 relating to statistical monitoring, to the use of exit documents for Spanish consignments during the application of a period II or III and to the various communications from the Member States apply in order to ensure that the STM operates;

Whereas the need for accurate information justifies communication on the statistical monitoring of trade at more frequent intervals;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For cabbage lettuce, lettuce other than cabbage lettuce, broad-leaf endives, carrots, artichokes, table grapes and melons covered by the CN codes listed in the Annex hereto the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in that Annex.

2. For tomatoes covered by CN codes 0702 00 10 and 0702 00 90:

- the indicative ceilings provided for in Article 83 (1) of the Act of Accession, and
- the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.

Article 2

1. For consignments from Spain to the rest of the Community market, with the exception of Portugal, of the products referred to in Article 1, the provisions of Regulation (EEC) No 3944/89, with the exception of Articles 5 and 7 thereof, shall apply.

However, the notification provided for in Article 2 (2) of that Regulation shall be made each Tuesday at the latest in respect of quantities consigned during the preceding week.

2. The notification provided for in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 for products mentioned in Article 1 (2) subject to a period II or to a period III shall be forwarded to the Commission on Tuesday each week at the latest in respect of the preceding week.

During the application of a period I, those notifications shall be made once a month, on the fifth day of each month at the latest in respect of data from the preceding month; where appropriate, that notification shall bear the word 'nil'.

Article 3

This Regulation shall enter into force on 30 September 1991.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽³⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁴⁾ OJ No L 27, 31. 1. 1990, p. 14.

⁽⁵⁾ OJ No L 175, 4. 7. 1991, p. 19.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89 and the ceilings provided for in Article 83 of the Act of Accession

Period from 30 September to 10 November 1991

Description of product	CN code	Period
Cabbage lettuce	0705 11 10	I
Lettuce other than cabbage lettuce	0705 19 00	I
Broad-leaf endives	ex 0705 29 00	I
Carrots	ex 0706 10 00	I
Artichokes	0709 10 00	I
Table grapes	0806 10 15	I
	and 0806 10 19	I
Melons	0807 10 90	I

Description of product	CN code	Indicative ceiling (tonnes)	Period
Tomatoes	0702 00 10 and 0702 00 90	30. 9 — 6. 10. 1991 : —	I
		7 — 13. 10. 1991 : 9 200	II
		14 — 20. 10. 1991 : 11 500	II
		21 — 27. 10. 1991 : 12 100	II
		28. 10 — 3. 11. 1991 : 12 400	II
		4 — 10. 11. 1991 : 14 000	II

COMMISSION REGULATION (EEC) No 2851/91

of 27 September 1991

fixing for the 1991/92 marketing year the reference prices for cabbage lettuce

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1623/91⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas cabbage lettuce is produced in such quantities in the Community that reference prices should be fixed for it;

Whereas cabbage lettuce harvested during a given crop year is marketed from July to June of the following year; whereas the quantities imported from 1 July to 31 October and in June are so small that there is no need to fix reference prices for these months; whereas reference prices should be fixed only for the period 1 November up to and including 31 May of the following year;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this

amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal price variations into account, the marketing year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year, the reference prices for cabbage lettuce (CN codes 0705 11 10 and 90), expressed in ecus per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

- from 1 November to 31 December 1991: 70,82,
- from 1 January to 29 February 1992: 76,11,
- from 1 March to 31 May 1992: 82,90.

Article 2

This Regulation shall enter into force on 1 November 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2852/91

of 27 September 1991

laying down definitive measures on the issuing of STM licences for beef and veal
in trade with Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 4026/89 of 22 December 1989 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted at 31 December 1985 and Spain ⁽³⁾, as last amended by Regulation (EEC) No 840/91 ⁽⁴⁾, sets the annual indicative ceiling for imports into Spain of certain beef and veal products;

Whereas STM licences issued in response to applications lodged from the preceding weeks have exhausted that fraction of the indicative ceiling set aside for the third quarter of 1991;

Whereas the Commission accordingly adopted, by an emergency procedure, appropriate interim protective measures by Regulations (EEC) No 1861/91 ⁽⁵⁾, (EEC) No 2063/91 ⁽⁶⁾, (EEC) No 2136/91 ⁽⁷⁾ and (EEC) No

2575/91 ⁽⁸⁾; whereas definitive measures must be adopted; whereas, in view of the situation of the market in Spain, an increase in the indicative ceiling cannot be contemplated;

Whereas, as a definitive measure as referred to in Article 85 (3) of the Act of Accession, the issue of STM licences should be definitively discontinued in order to prevent any disturbance on the Spanish market;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The issuing of STM licenses for the beef and veal products referred to in Regulation (EEC) No 4026/89 is hereby suspended until 6 October 1991 inclusive.
2. Applications for STM licenses may be reintroduced from 23 September 1991.

Article 2

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

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.
⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.
⁽³⁾ OJ No L 382, 30. 12. 1989, p. 62.
⁽⁴⁾ OJ No L 85, 5. 4. 1991, p. 23.
⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 44.
⁽⁶⁾ OJ No L 187, 13. 7. 1991, p. 38.
⁽⁷⁾ OJ No L 197, 20. 7. 1991, p. 24.

⁽⁸⁾ OJ No L 241, 30. 8. 1991, p. 18.

COMMISSION REGULATION (EEC) No 2853/91

of 27 September 1991

setting the amount of the payment on account of the cost of disposal of certain
distillation products for 1992

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation 1734/91 ⁽²⁾, and in particular Article 37 (2) thereof;

Whereas, as regards alcohol from distillation as referred to in Article 35 and 36 of Regulation (EEC) No 822/87, the European Agricultural Guidance and Guarantee Fund (EAGGF) is to bear only the costs arising from its disposal; whereas the amount of the payment on account of the cost of disposal of the products must be fixed having regard to depreciation in a way similar to that by which alcohol from distillation as referred to in Article 39 of that Regulation is depreciated;

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

Article 1

The amount of the payment on account of the cost of disposal of the products of distillation under Articles 35 and 36 of Regulation (EEC) No 822/87 shall be determined by application of a coefficient to the value of purchase made by intervention agencies.

For the 1992 financial year this coefficient shall be 0,75.

Article 2

The expenditure amounts determined in this way shall be notified to the Commission under the declaration established pursuant to Regulation (EEC) No 2776/88 of the Commission ⁽¹⁾.

Article 3

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

It shall be applicable from 1 October 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 6.

⁽³⁾ OJ No L 249, 8. 9. 1988, p. 9.

COMMISSION REGULATION (EEC) No 2854/91

of 27 September 1991

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 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 11(2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;Whereas Article 3 of Council Regulation (EEC) No 2746/75⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for October 1991 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

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, 27 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 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	136,50
1001 90 99 000	90,00
1002 00 00 000	90,00
1003 00 90 000	85,00
1004 00 90 000	—
1005 90 00 000	85,00
1006 20 92 000	180,50
1006 20 94 000	180,50
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	225,63
1006 30 92 900	225,63
1006 30 94 100	225,63
1006 30 94 900	225,63
1006 30 96 100	225,63
1006 30 96 900	225,63
1006 40 00 000	—
1007 00 90 000	85,00
1101 00 00 100	113,00
1101 00 00 130	113,00
1102 20 10 100	104,33
1102 20 10 300	89,42
1102 30 00 000	—
1102 90 10 100	131,52
1103 11 10 500	205,00
1103 11 90 100	113,00
1103 13 19 100	134,14
1103 14 00 000	—
1104 12 90 100	159,80
1104 21 50 100	175,36

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 2855/91**of 27 September 1991****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular the Article 10 thereof,

Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EEC) No 773/91⁽³⁾, as last amended by Regulation (EEC) No 2549/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 773/91 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 sheep and goats and on sheepmeat and goatmeat other than frozen meat 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, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 68.

⁽⁴⁾ OJ No L 239, 28. 8. 1991, p. 11.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 40 from 7 to 13 October 1991	Week No 41 from 14 to 20 October 1991	Week No 42 from 21 to 27 October 1991	Week No 43 from 28 October to 3 November 1991
0104 10 90 ⁽¹⁾	63,572	63,713	63,939	64,869
0104 20 90 ⁽¹⁾	63,572	63,713	63,939	64,869
0204 10 00 ⁽²⁾	135,260	135,560	136,040	138,020
0204 21 00 ⁽²⁾	135,260	135,560	136,040	138,020
0204 22 10 ⁽²⁾	94,682	94,892	95,228	96,614
0204 22 30 ⁽²⁾	148,786	149,116	149,644	151,822
0204 22 50 ⁽²⁾	175,838	176,228	176,852	179,426
0204 22 90 ⁽²⁾	175,838	176,228	176,852	179,426
0204 23 00 ⁽²⁾	246,173	246,719	247,593	251,196
0204 50 11 ⁽²⁾	135,260	135,560	136,040	138,020
0204 50 13 ⁽²⁾	94,682	94,892	95,228	96,614
0204 50 15 ⁽²⁾	148,786	149,116	149,644	151,822
0204 50 19 ⁽²⁾	175,838	176,228	176,852	179,426
0204 50 31 ⁽²⁾	175,838	176,228	176,852	179,426
0204 50 39 ⁽²⁾	246,173	246,719	247,593	251,196
0210 90 11 ⁽²⁾	175,838	176,228	176,852	179,426
0210 90 19 ⁽²⁾	246,173	246,719	247,593	251,196

⁽¹⁾ The levy applicable is limited in the conditions laid down by Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 1373/90 and Commission Regulations (EEC) No 19/82, (EEC) No 1249/90, (EEC) No 1580/90 and (EEC) No 2085/90.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 2856/91**of 27 September 1991****fixing the import levies on frozen sheepmeat and goatmeat**

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 774/91⁽³⁾, as last amended by Regulation (EEC) No 2550/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 774/91 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 sheepmeat and goatmeat 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, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 71.

⁽⁴⁾ OJ No L 239, 28. 8. 1991, p. 13.

ANNEX

to the Commission Regulation of 27 September 1991 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾

(ECU/100 kg)

CN code	Week No 40 from 7 to 13 October 1991	Week No 41 from 14 to 20 October 1991	Week No 42 from 21 to 27 October 1991	Week No 43 from 28 October to 3 November 1991
0204 30 00	146,695	146,920	147,280	148,765
0204 41 00	146,695	146,920	147,280	148,765
0204 42 10	102,687	102,844	103,096	104,136
0204 42 30	161,365	161,612	162,008	163,642
0204 42 50	190,704	190,996	191,464	193,395
0204 42 90	190,704	190,996	191,464	193,395
0204 43 00	266,985	267,394	268,050	270,752
0204 50 51	146,695	146,920	147,280	148,765
0204 50 53	102,687	102,844	103,096	104,136
0204 50 55	161,365	161,612	162,008	163,642
0204 50 59	190,704	190,996	191,464	193,395
0204 50 71	190,704	190,996	191,464	193,395
0204 50 79	266,985	267,394	268,050	270,752

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

COMMISSION REGULATION (EEC) No 2857/91

of 27 September 1991

abolishing the corrective amount on the import of table grapes into the
Community of Ten from Spain

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 3709/89
of 4 December 1989 laying down general rules for imple-
menting the Act of Accession of Spain and Portugal as
regards the compensatory mechanism for imports of fruit
and vegetables from Spain ⁽¹⁾, and in particular Article 4
(2) thereof,

Whereas Article 152 of the Act of Accession introduces
from 1 January 1990 a compensatory mechanism for
imports into the Community as constituted on 31
December 1985, hereinafter called 'the Community of
Ten', of fruit and vegetables from Spain for which a
reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general
rules for applying the said compensatory mechanism and
Commission Regulation (EEC) No 3815/89 ⁽²⁾ lays down
detailed rules for applying the said compensatory
mechanism;

Whereas Commission Regulation (EEC) No 2779/91 ⁽³⁾
introduces a corrective amount on imports of table grapes
into the Community of Ten from Spain;

Whereas Article 3 (4) of Regulation (EEC) No 3709/89
lays down the conditions under which a corrective
amount introduced pursuant to Article 3 (1) of the said
Regulation is to be abolished; whereas the said conditions
require abolition of the corrective amount on imports of
table grapes into the Community of Ten from Spain,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2779/91 is hereby repealed.

Article 2

This Regulation shall enter into force on 28 September
1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 267, 24. 9. 1991, p. 23.

COMMISSION REGULATION (EEC) No 2858/91

of 27 September 1991

fixing the maximum buying-in price and the quantities of beef bought in for the
54th partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal, and in particular Article 90 thereof,

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 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No
859/89 of 29 March 1989 laying down detailed rules for
the application of intervention measures in the beef and
veal sector ⁽³⁾, as last amended by Regulation (EEC) No
2457/91 ⁽⁴⁾, an invitation to tender was opened by
Commission Regulation (EEC) No 1627/89 of 9 June
1989 on the buying in of beef by invitation to tender ⁽⁵⁾,
as last amended by Regulation (EEC) No 2765/91 ⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation
(EEC) No 859/89, a maximum buying-in price is to be
fixed for quality R3, where appropriate, for each partial
invitation to tender in the light of the tenders received;
whereas, in accordance with Article 12 of that Regulation,
only tenders lower than or equal to the maximum price
are to be accepted, without, however, exceeding the
average national or regional market price plus the amount
mentioned in paragraph 1; whereas, however, pursuant to
Article 5 of that Regulation, where the intervention agen-
cies in Member States are offered meat in quantities
greater than they are able to take over forthwith, such
intervention agencies may limit buying in to the quanti-
ties they can take over;

Whereas, after the tenders submitted for the 54th partial
invitation to tender have been examined and taking
account, pursuant to Article 6 (1) of Regulation (EEC) No
805/68, of the requirements for reasonable support of the
market and the seasonal trend in slaughterings, the

maximum buying-in price and the quantities which may
be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the
quantities which may be bought in; whereas a reducing
coefficient or, where appropriate depending on the
differences in prices and the quantities tendered for,
several reducing coefficients should accordingly be
applied to the quantities which may be bought in in
accordance with Article 11 (3) of Regulation (EEC) No
859/89;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 54th partial invitation to tender opened by Regu-
lation (EEC) No 1627/89:

(a) for category A:

in the Member States or regions of Member States
which meet the conditions laid down in Article 6 (2)
of Regulation (EEC) No 805/68:

the maximum buying-in price is hereby fixed at ECU
267 per 100 kilograms of carcasses or half-carcasses of
quality R3,

tenders exceeding ECU 261,48 in the Netherlands
and ECU 256,80 in Germany shall not be taken into
consideration,

the maximum quantity of carcasses or half-carcasses
accepted is hereby fixed at 24 601 tonnes; the quanti-
ties offered are hereby reduced by 70 % pursuant to
Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

(i) in the Member States or regions of Member States
which meet the conditions laid down in Article
6 (2) of Regulation (EEC) No 805/68:

— the maximum buying-in price is hereby fixed
at ECU 263 per 100 kilograms of carcasses or
half-carcasses of quality R3,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 226, 14. 8. 1991, p. 6.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 265, 21. 9. 1991, p. 17.

- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 5 491 tonnes; the quantities offered are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;
- (ii) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (4) of Regulation (EEC) No 805/68 :
- the maximum buying-in price per 100 kilograms of carcasses or half-carcasses pursuant to

Article 6 (4) of Regulation (EEC) No 805/68 is hereby fixed at :

- ECU 252,966 in Germany,
- ECU 255,967 in Ireland,
- ECU 256,977 in Northern Ireland,
- ECU 261,339 in Great Britain
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 37 426 tonnes.

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, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2859/91**of 27 September 1991****fixing depreciation percentages to be applied when agricultural products are
bought in for the 1992 financial year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down the general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section⁽¹⁾, as last amended by Regulation (EEC) No 787/89⁽²⁾ and in particular Article 8 thereof,

Whereas, under Article 8 of Regulation (EEC) No 1883/78, systematic depreciation of public intervention agricultural products must take place when they are bought in, and whereas accordingly the Commission must determine the depreciation percentage before the beginning of each year and whereas such percentage shall not exceed the difference between the buying-in price and the foreseeable disposal price for each product;

Whereas, under Article 8 (3) of Regulation (EEC) No 1883/78, the Commission may, at its discretion, restrict depreciation at the time of buying in to a proportion of this depreciation percentage, but such proportion may not be less than 70 %; whereas, coefficients to be applied also for the 1992 financial year by the intervention agencies to the monthly buying-in values of products should be fixed, to enable the agencies to establish the depreciation amounts;

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

Article 1

In respect of the products listed in the Annex, which, having been bought in by public intervention have entered store or been taken over by the intervention agencies between 1 October 1991 and 30 September 1992, the authorities shall depreciate their value to account for the difference between the buying in prices and the foreseeable selling prices of the relevant products.

Article 2

The intervention agencies shall apply to the values of the products bought in the coefficients set out in the Annex.

The expenditure amounts determined in this way shall be notified to the Commission under the declarations established pursuant to Regulation (EEC) No 2776/88 of the Commission⁽³⁾.

Article 3

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

It shall apply from 1 October 1991 onwards.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽²⁾ OJ No L 85, 30. 3. 1989, p. 1.

⁽³⁾ OJ No L 249, 8. 9. 1988, p. 9.

ANNEX

'k' depreciation coefficients (Article 8 (3) of Regulation (EEC) No 1883/78) to be applied to the monthly buying- in values

Products	'k'
Breadmaking common wheat	0,55
Non-breadmaking common wheat	0,55
Barley	0,55
Rye	0,55
Durum wheat	0,55
Maize	0,55
Sorghum	0,55
Paddy rice	0,50
Sunflower	0,50
Rape	0,50
Olive oil	
— Community without Spain	0,45
— Spain	0,35
Sugar	0,50
Butter	0,55
Skimmed-milk powder	0,50
Beef	0,55
Alcohol as referred to in Article 40 (1) of Council Regulation (EEC) No 833/87 (1)	0,75
Tobacco	0,65

(1) OJ No L 84, 27. 3. 1987, p. 1.

COMMISSION REGULATION (EEC) No 2860/91

of 27 September 1991

on the rate of interest to be used for calculating the costs of financing
intervention measures comprising buying in, storage and disposal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 1883/78
of 2 August 1978 laying down general rules for the finan-
cing of interventions by the European Agricultural
Guidance and Guarantee Fund (EAGGF), Guarantee
Section⁽¹⁾, as last amended by Regulation (EEC)
No 787/89⁽²⁾, and in particular Article 5 thereof,

Whereas Article 3 of Commission Regulation (EEC)
No 411/88 lays down that the uniform interest rate used
for calculating the costs of financing intervention
measures is to correspond to the interest rates for the ecu
for three months' and 12 months' forward rates recorded
by the Statistical Office of the European Communities on
the Euromarkets with a weighting of one-third and two-
thirds respectively⁽³⁾;

Whereas the Commission fixes this rate before the begin-
ning of each EAGGF Guarantee Section accounting year
on the basis of the rates recorded in the six months
preceding fixing;

Whereas Article 4 (1) of Regulation (EEC) No 411/88 lays
down that if the rate of interest costs borne by a Member
State is lower for at least six months than the uniform
interest rate fixed for the Community a specific interest
rate is to be fixed for that Member State; whereas the
Member State notified these costs to the Commission
before the end of the accounting year; whereas, where no
costs are notified by a Member State, the rate to be applied

is determined on the basis of the reference interest rates
set out in the Annex to the said Regulation;

Whereas the interest rates for the 1992 accounting year
must be set, in line with those provisions;

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

HAS ADOPTED THIS REGULATION:

Article 1

For expenditure incurred during the 1992 EAGGF
Guarantee Section accounting year:

1. the interest rate referred to in Article 3 of Regulation
(EEC) No 411/88 shall be 9,6 %,
2. the specific interest rate referred to in Article 4 or
Regulation (EEC) No 411/88 shall be:
9,4 % for France,
9,0 % for Ireland,
8,6 % for the Netherlands.

Article 2

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

It shall apply from 1 October 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽²⁾ OJ No L 85, 30. 3. 1989, p. 1.

⁽³⁾ OJ No L 40, 13. 2. 1988, p. 25.

COMMISSION REGULATION (EEC) No 2861/91
of 27 September 1991
fixing the amount of the subsidy on oil seeds

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

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2566/91⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1897/91⁽⁷⁾, as last amended by Regulation (EEC) No 2770/91⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

2. However, the amount of the aid for 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 28 September 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 28 September 1991.

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

Done at Brussels, 27 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 244, 31. 8. 1991, p. 48.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 169, 29. 6. 1991, p. 16.

⁽⁸⁾ OJ No L 265, 21. 9. 1991, p. 27.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

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

(amounts per 100 kg)

	Current 9 (1)	1st period 10 (1)	2nd period 11 (1)	3rd period 12 (1)	4th period 1 (1)	5th period 2 (1)
1. Gross aids (ECU):						
— Spain	18,195	18,475	17,893	18,171	16,469	16,247
— Portugal	25,165	25,445	24,863	25,141	23,439	23,217
— Other Member States	18,195	18,475	17,893	18,171	16,469	16,247
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	42,83	43,49	42,12	42,78	38,77	38,25
— Netherlands (Fl)	48,26	49,01	47,46	48,20	43,69	43,10
— BLEU (Bfrs/Lfrs)	883,48	897,08	868,82	882,32	799,67	788,89
— France (FF)	143,66	145,87	141,28	143,47	130,03	128,28
— Denmark (Dkr)	163,39	165,90	160,68	163,17	147,89	145,90
— Ireland (£ Irl)	15,989	16,235	15,724	15,968	14,473	14,277
— United Kingdom (£)	14,373	14,598	14,129	14,351	12,983	12,803
— Italy (Lit)	32 050	32 543	31 518	32 007	29 009	28 534
— Greece (Dr)	4 480,76	4 538,17	4 350,56	4 378,43	3 922,61	3 729,02
— Spain (Pta)	2 804,85	2 845,89	2 761,61	2 802,12	2 553,49	2 511,74
— Portugal (Esc)	5 325,48	5 382,35	5 263,63	5 310,09	4 963,87	4 874,35

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

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 9 (1)	1st period 10 (1)	2nd period 11 (1)	3rd period 12 (1)	4th period 1 (1)	5th period 2 (1)
1. Gross aids (ECU):						
— Spain	19,445	19,725	19,143	19,421	17,719	17,497
— Portugal	26,415	26,695	26,113	26,391	24,689	24,467
— Other Member States	19,445	19,725	19,143	19,421	17,719	17,497
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	45,78	46,44	45,07	45,72	41,71	41,19
— Netherlands (Fl)	51,58	52,32	50,78	51,52	47,00	46,41
— BLEU (Bfrs/Lfrs)	944,18	957,77	929,51	943,01	860,37	849,59
— France (FF)	153,53	155,74	151,15	153,34	139,90	138,15
— Denmark (Dkr)	174,61	177,13	171,90	174,40	159,11	157,12
— Ireland (£ Irl)	17,088	17,334	16,822	17,067	15,571	15,376
— United Kingdom (£)	15,368	15,592	15,124	15,345	13,978	13,798
— Italy (Lit)	34 251	34 745	33 719	34 209	31 211	30 736
— Greece (Dr)	4 795,92	4 853,33	4 665,71	4 693,58	4 237,76	4 044,17
— Spain (Pta)	2 993,38	3 034,42	2 950,14	2 990,65	2 742,03	2 700,27
— Portugal (Esc)	5 586,32	5 643,20	5 524,48	5 570,94	5 224,72	5 135,20

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

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 9 ⁽¹⁾	1st period 10 ⁽¹⁾	2nd period 11 ⁽¹⁾	3rd period 12 ⁽¹⁾	4th period 1 ⁽¹⁾
1. Gross aids (ECU):					
— Spain	26,099	26,436	26,259	26,590	25,701
— Portugal	33,278	33,608	33,441	33,772	32,905
— Other Member States	21,038	21,368	21,201	21,532	20,665
2. Final aids:					
(a) Seed harvested and processed in ⁽²⁾ :					
— Federal Republic of Germany (DM)	49,53	50,30	49,91	50,69	48,65
— Netherlands (Fl)	55,80	56,68	56,24	57,11	54,82
— BLEU (Bfrs/Lfrs)	1 021,53	1 037,55	1 029,44	1 045,51	1 003,42
— France (FF)	166,11	168,71	167,40	170,01	163,16
— Denmark (Dkr)	188,92	191,88	190,38	193,35	185,57
— Ireland (£ Irl)	18,488	18,778	18,631	18,922	18,160
— United Kingdom (£)	16,607	16,872	16,736	16,999	16,302
— Italy (Lit)	37 057	37 639	37 345	37 928	36 400
— Greece (Dr)	5 167,81	5 233,90	5 145,95	5 177,01	4 942,55
— Portugal (Esc)	7 036,75	7 103,78	7 069,23	7 124,37	6 948,76
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 012,80	4 062,07	4 037,46	4 085,65	3 956,41
— in another Member State (Pta)	4 078,56	4 126,93	4 103,68	4 151,91	4 025,94

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

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

ANNEX IV

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

(value of ECU 1)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
DM	2,048580	2,047410	2,046390	2,045390	2,045390	2,043120
Fl	2,308250	2,307080	2,306130	2,304920	2,304920	2,302290
Bfrs/Lfrs	42,215000	42,190200	42,167900	42,146100	42,146100	42,093000
FF	6,978810	6,975400	6,972400	6,970490	6,970490	6,960370
Dkr	7,925760	7,924760	7,924350	7,923610	7,923610	7,918390
£Irl	0,766519	0,766367	0,766075	0,766020	0,766020	0,765271
£	0,702219	0,702548	0,702707	0,702652	0,702652	0,702432
Lit	1 532,62	1 534,44	1 536,28	1 538,16	1 538,16	1 544,56
Dr	227,73200	229,85800	231,92200	234,52900	234,52900	241,43300
Esc	175,98300	176,44900	176,97500	177,66600	177,66600	180,01600
Pta	128,74700	129,02100	129,25200	129,46400	129,46400	129,97100

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 September 1991

authorizing extension or tacit renewal of certain trade agreements concluded
between Member States and third countries

(91/509/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas extension or tacit renewal beyond the end of the transitional period was last authorized in the case of the Agreements and Protocols listed in the Annex by Decision 91/104/EEC ⁽²⁾;

Whereas the Member States concerned have, with a view to avoiding any disruption of their commercial relations with the third countries concerned based on Agreement, requested authorization to extend or renew the abovementioned Agreements;

Whereas, however, most of the areas covered by these national Agreements are henceforth the subject of Community Agreements; whereas, in this situation, there should be authorization for the maintenance of national Agreements only for those areas not covered by

Community Agreements; whereas, in addition, such authorization should not, therefore, adversely affect the obligation incumbent upon the Member States to avoid and, where appropriate, to eliminate any incompatibility between such Agreements and the provisions of Community law;

Whereas the provisions of the Agreements to be either prolonged or renewed should not furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have declared that the extension or tacit renewal of these Agreements would neither constitute an obstacle to the opening of Community negotiations with the third countries concerned and the transfer of the commercial substance of those Agreements to Community Agreements nor, during the period under consideration, hinder the adoption of the measures necessary to complete the standardization of the import arrangements of the Member States;

Whereas, at the conclusion of the consultations provided for in Article 2 of Decision 69/494/EEC, it was established, as the aforesaid declarations by the Member States concerned confirm, that the provisions of the Agreements to be extended or renewed would not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, in these circumstances, the Agreements concerned may be either extended or tacitly renewed for a limited period,

⁽¹⁾ OJ No L 326, 29. 12. 1969, p. 39.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 36.

HAS ADOPTED THIS DECISION :

Article 2

This Decision is addressed to the Member States.

Article 1

The Trade Agreements and Protocols between Member States and third countries, as listed in the Annex hereto, may be extended or tacitly renewed up to the dates indicated for each of them for those areas not covered by Agreements between the Community and the third countries concerned and in so far as their provisions are not contrary to existing common policies.

Done at Brussels, 23 September 1991.

For the Council

The President

P. BUKMAN

[illegible]

DEUTSCHLAND (Fortsetzung)	Somalia	Handelsabkommen	19. 1. 1962	31. 12. 1992
	Sri Lanka	Handelsabkommen	1. 4. 1955	31. 12. 1992
	Südafrika	Liste der Einfuhrkontingente		31. 8. 1992
	Tansania	Handels- und Wirtschaftsabkommen	6. 9. 1962	31. 12. 1992
	Tschad	Wirtschaftsabkommen	31. 5. 1963	31. 12. 1992
	Tunesien	Handelsabkommen und Zusatzprotokoll	29. 1. 1960 22. 12. 1963	} 31. 12. 1992
	Uganda	Handelsabkommen	17. 3. 1964	
	Zentralafrikanische Republik	Wirtschaftsabkommen	29. 12. 1962	31. 12. 1992
	Zypern	Handelsabkommen	30. 10. 1961	31. 12. 1992
ΕΛΛΑΔΑ	Καναδάς	Εμπορική συμφωνία	25. 8. 1947	28. 8. 1992
	Σουδάν	Εμπορική συμφωνία	10. 10. 1978	10. 10. 1992
	Ζαΐρ	Εμπορική συμφωνία	3. 10. 1968	3. 10. 1992
	Κορέα	Εμπορική συμφωνία	4. 10. 1974	4. 10. 1992
	Κύπρος	Εμπορική συμφωνία	23. 8. 1962	23. 8. 1992
ESPAÑA	Cuba	Convenio comercial	23. 1. 1979	31. 1. 1993
	Colombia	Acuerdo comercial	27. 6. 1979	19. 12. 1992
	India	Acuerdo de comercio y de cooperación económica	14. 12. 1972	13. 12. 1992
	Madagascar	Acuerdo comercial	20. 1. 1965	19. 1. 1993
	Pakistán	Acuerdo comercial	29. 11. 1976	28. 11. 1992
	Uruguay	Convenio sobre intercambio comercial	24. 2. 1954	20. 2. 1993
	Zaire	Acuerdo de cooperación económica	21. 11. 1983	20. 11. 1992
FRANCE	Argentine	Accord commercial et de paiement	25. 11. 1957	31. 12. 1992
	Autriche	Accord commercial et protocole	26. 7. 1963	31. 12. 1992
	Israël	Accord commercial	10. 7. 1953	} 31. 12. 1992
		Protocole	16. 1. 1967	
		Échange de lettres	24. 12. 1968	} 10. 1. 1993
	Japon	Accord commercial et protocole	14. 5. 1963	
		Protocole	26. 7. 1966	
	Mexique	Accord commercial	11. 7. 1950	28. 11. 1992
	Norvège	Accord commercial	3. 7. 1951	} 31. 12. 1992
		Protocole	2. 4. 1960	
		Échange de lettres	6. 2. 1964	
	Suède	Accord commercial	3. 3. 1949	31. 12. 1992
	Suisse	Accord commercial	21. 11. 1967	31. 12. 1992
	Turquie	Accord commercial	31. 8. 1946	31. 12. 1992
	Yugoslavie	Accord commercial	25. 1. 1964	} 31. 12. 1992
		Protocole	6. 5. 1970	
ITALIA	Argentina	Accordo commerciale e scambio di note	25. 11. 1957	31. 12. 1992
	Canada	Modus vivendi commerciale	28. 4. 1948	31. 12. 1992
	Costa Rica	Modus vivendi commerciale e scambio di note	20. 2. 1953 23. 6. 1953	} 12. 11. 1992
	Giappone	Agreed minutes	31. 12. 1969	
	Guatemala	Modus vivendi commerciale	6. 6. 1936	31. 12. 1992
	Malta	Accordo commerciale	28. 7. 1967	31. 12. 1992
	Marocco	Accordo commerciale	28. 1. 1961	} 31. 12. 1992
		Protocollo	24. 2. 1963	
	Messico	Accordo commerciale	15. 9. 1949	} 31. 12. 1992
		Protocollo	28. 10. 1963	
		Scambio di note	20. 7. 1963	
	Pakistan	Accordo commerciale	10. 1. 1961	10. 1. 1993
	Paraguay	Accordo commerciale	8. 7. 1959	23. 1. 1993
	Repubblica araba d'Egitto	Protocollo commerciale	29. 4. 1959	31. 12. 1992
	Siria	Accordo commerciale	10. 11. 1955	31. 12. 1992
	Tunisia	Accordo commerciale e protocollo addizionale	23. 11. 1961 2. 8. 1963	} 31. 12. 1992
NEDERLAND	Arabische Republiek			
	Egypte	Handelsovereenkomst	21. 3. 1953	31. 12. 1992
	Argentinië	Handels- en betalingsovereenkomst	25. 11. 1957	31. 12. 1992
	Turkije	Handelsakkoord	6. 9. 1949	31. 12. 1992

PORTUGAL	Angola	Acordo comercial	20. 1. 1979	19. 1. 1993
	Colômbia	Acordo comercial	28. 12. 1978	27. 12. 1992
	Coreia do Sul	Acordo comercial	2. 12. 1977	1. 12. 1992
	Equador	Acordo comercial	16. 12. 1976	15. 12. 1992
	Senegal	Acordo comercial	30. 1. 1975	} 29. 1. 1993
		Protocolo adicional	21. 2. 1980	
	Tunísia	Acordo comercial	9. 11. 1974	8. 11. 1992
	Zaire	Acordo comercial	16. 12. 1983	15. 12. 1992
UEBL / BLEU	Argentine / Argentinië Pakistan	Accord commercial et de paiement /		
		Handels- en betalingsakkoord	25. 11. 1957	31. 12. 1992
		Accord commercial / Handelsakkoord	15. 3. 1952	31. 12. 1992

COUNCIL DECISION
of 23 September 1991
providing a medium-term loan to Algeria

(91/510/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Algeria has undertaken since 1989 political and economic reforms and has decided to adopt pluralism and a market economy model;

Whereas the Community and Algeria traditionally have close economic, political and cultural links, which have been further developed within the framework of the 1978 Cooperation Agreement and related Protocols and Agreements;

Whereas the Algerian authorities have adopted for 1991 an economic and financial programme designed to accelerate market-related reforms and the liberalization of imports and foreign exchange arrangements with the aim of achieving convertibility for the national currency by early 1992;

Whereas this programme is supported by the International Monetary Fund (IMF) which has recently approved a stand-by credit authorizing drawings of up to SDR 300 million, and by the World Bank which has recently approved a US \$ 350 million structural adjustment loan;

Whereas in spite of the financing which would be provided by the IMF, the World Bank and other multi-lateral and bilateral official creditors, Algeria will be facing during 1991 and 1992 exceptional balance-of-payments financing needs reflecting heavy external debt servicing payments related to short-term borrowing and a bunching of repayments on medium-term external debt;

Whereas the Algerian authorities have requested complementary financial assistance from the Community in order to safeguard Algeria's credit-worthiness, strengthen its reserve position and facilitate the introduction of convertibility;

Whereas the success of Algeria's economic and financial programme will depend crucially on the agreement with

the commercial bank creditors on a refinancing arrangement designed to improve the profile of the external debt service and repayments;

Whereas the grant by the Community of a medium-term loan to Algeria will assist the balance of payments, strengthen the country's reserve position and support the economic and political reform process;

Whereas the Community loan should be managed by the Commission;

Whereas the implementation of the abovementioned measures will help to achieve the Community's aims; whereas the Treaty does not provide, for the measures in question, powers other than those of Article 235;

Whereas the question of the risks associated with guarantees from the general budget of the European Communities will be examined in the context of the renewal in 1992 of the Interinstitutional Agreement on budgetary discipline and improvement of the budgetary procedure,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall grant to Algeria a medium-term loan facility of a maximum amount of ECU 400 million in principal, with a maximum duration of seven years, with a view to ensuring a sustainable balance-of-payments situation, strengthening the reserve position, and facilitating the introduction of convertibility for the national currency.

2. To this end, the Commission is empowered to borrow, on behalf of the European Economic Community, the necessary resources that will be placed at the disposal of Algeria in the form of a loan.

3. This loan will be managed by the Commission in full consultation with the Monetary Committee and in a manner consistent with any Agreements reached between the IMF and the World Bank, and Algeria.

Article 2

1. The Commission is empowered to negotiate with the Algerian authorities, after consultation with the Monetary Committee, the economic policy conditions attached to the loan. These conditions shall be consistent with the agreements referred to in Article 1 (3).

⁽¹⁾ OJ No C 192, 23. 7. 1991, p. 23.

⁽²⁾ OJ No C 240, 16. 9. 1991, p. 245.

2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close coordination with the IMF and the World Bank, that the economic policy in Algeria is in accordance with the objectives of this loan and that its conditions are being fulfilled.

Article 3

1. The loan shall be made available to Algeria in two instalments. The first instalment shall be released on the basis :

- of the IMF 'Standby Arrangement' and the World Bank structural adjustment loan agreed in June 1991 with Algeria,
- of an arrangement between Algeria and its commercial bank creditors on improving the country's future debt servicing and repayment profile through new loans and/or new refinancing agreements.

2. The second instalment shall be released after a period of at least two quarters subject to the provisions of Article 2 (2).

3. The funds shall be paid to the National Bank of Algeria.

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest-rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Algeria so decides, to include in the loan conditions, and also to exercise, an early repayment clause.

3. At the request of Algeria, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Algeria.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year the Commission shall address to the European Parliament and to the Council a report, which will include an evaluation, on the implementation of this Decision.

Done at Brussels, 23 September 1991.

For the Council

The President

P. BUKMAN

COMMISSION

COMMISSION DECISION

of 23 September 1991

accepting an undertaking offered in connection with the countervailing proceeding concerning imports of polyester fibres and polyester yarns originating in Turkey and terminating the investigation

(91/511/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

- (1) By Regulation (EEC) No 1432/91⁽²⁾, the Commission imposed a provisional countervailing duty on imports of polyester fibres and polyester yarns originating in Turkey;
- (2) Subsequently, the imported Turkish products concerned were definitively found to have been subsidized during the reference period (1 July 1987 to 31 December 1988) and to have caused material injury to Community producers thereby. In that respect the Commission refers to Council Regulation (EEC) No 2834/91⁽³⁾;
- (3) Turkey has, after the imposition of the provisional countervailing duty, offered an undertaking in accordance with Article 10 of Regulation (EEC) No 2423/88;
- (4) The Commission regards this undertaking as acceptable, given that Turkey will gradually phase

out the main export subsidy scheme — the corporate tax exemption — for the products concerned, which will, within a relatively short time, eliminate the major part of the injury caused by the Turkish subsidized imports;

- (5) In addition, Turkey has offered its assistance in the monitoring of this undertaking;
- (6) The Council has, by Regulation (EEC) No 2834/91 decided to collect definitively the amounts secured by way of provisional duty,

HAS DECIDED AS FOLLOWS :

Article 1

The undertaking offered by Turkey in connection with the proceeding⁽⁴⁾ concerning imports of polyester fibres and polyester yarns originating in Turkey, is hereby accepted.

Article 2

The investigation in connection with the proceeding referred to in Article 1 is hereby terminated.

Done at Brussels, 23 September 1991.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 137, 31. 5. 1991, p. 8.

⁽³⁾ See page 3 of this Official Journal.

⁽⁴⁾ OJ No C 33, 9. 2. 1989, p. 7.