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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 3359/93

of 2 December 1993

imposing amended anti-dumping measures on imports of ferro-silicon originating in Russia, Kazakhstan, Ukraine, Iceland, Norway, Sweden, Venezuela and Brazil

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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 Articles 14 and 15 thereof,

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

Whereas :

the review of anti-dumping measures concerning imports of ferro-silicon originating in Brazil.

By Decision 91/240/EEC⁽²⁾, the Commission accepted undertakings offered by certain exporters following the review of anti-dumping measures concerning imports of ferro-silicon originating in Brazil and terminated the investigation as far as those exporters were concerned.

(5) In February 1992, the Commission published a notice⁽⁷⁾ of the impending expiry of the undertaking accepted from the Soviet company, Promsyrio-Import, in accordance with Article 15 of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Regulation').

A. PROCEDURE

(1) By Regulation (EEC) No 2409/87⁽³⁾, the Commission imposed a provisional anti-dumping duty on imports of ferro-silicon originating in Brazil and accepted undertakings offered by a Brazilian company and by Promsyrio-Import of the USSR.

(2) By Regulation (EEC) No 3650/87⁽⁴⁾, the Council imposed a definitive anti-dumping duty on imports of ferro-silicon originating in Brazil.

(3) In February 1990, the Council, by Regulation (EEC) No 341/90⁽⁵⁾, accepted undertakings and imposed a definitive anti-dumping duty on imports of ferro-silicon originating in Iceland, Norway, Sweden, Venezuela and Yugoslavia, except ferro-silicon sold for export to the Community by companies whose undertakings had been accepted.

(4) By Regulation (EEC) No 1115/91⁽⁶⁾, the Council imposed a definitive anti-dumping duty following

(6) In its request lodged in February 1992, the Liaison Committee of Ferro-Alloys Industries in the European Community (CLIFA), which acts on behalf of Community producers and represents, allegedly, 98 % of the Community's ferro-silicon production, asked for a review of all the measures mentioned in recitals 1 to 4.

(7) Having decided, after consultation, that there was sufficient evidence to justify a review, the Commission decided to institute a review of the Regulations and Decision mentioned in recitals 1 to 4 in accordance with Articles 14 and 15 of the Basic Regulation, and opened an investigation by a notice published in May 1992⁽⁸⁾.

(8) In August 1992, in accordance with the provisions of Article 15 (4) of the Basic Regulation, the Commission published a notice⁽⁹⁾ concerning the

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 219, 8. 8. 1987, p. 24.

⁽³⁾ OJ No L 343, 5. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 38, 10. 2. 1990, p. 1.

⁽⁵⁾ OJ No L 111, 3. 5. 1991, p. 1.

⁽⁶⁾ OJ No L 111, 3. 5. 1991, p. 47.

⁽⁷⁾ OJ No C 37, 15. 2. 1992, p. 22.

⁽⁸⁾ OJ No C 115, 6. 5. 1992, p. 2.

⁽⁹⁾ OJ No C 186, 23. 7. 1992, p. 25.

continuation, during the review proceeding, of the anti-dumping measures in force against the former Soviet Union.

- (9) The Commission officially notified the exporters and the Community producers known to be concerned of the opening of the proceeding and gave them the opportunity to make known their views in writing and to request a hearing.

- (10) Furthermore, the Commission, at the request of an importer and in accordance with the provisions of Article 7 (6) of the Basic Regulation, gave the parties directly concerned opportunity to meet.

- (11) The Commission sought and verified all information it considered necessary for a determination of dumping and injury and carried out investigations at the premises of the following:

(a) *Community producers*

- Sociedad Española de Carburros Metálicos, Spain
- Péchiney Electrometallurgie, France
- SKW Trostberg AG, Germany

(b) *Exporting producers*

- Fesil KS, Norway
- Elkem A/S, Norway
- Icelandic Alloys, Iceland
- Vargön Alloys, Sweden
- CVG Fesilven, Venezuela
- Companhia Brasileira Carbureto de Cálcio (CBCC), Brazil
- Companhia de Ferroligas de Bahia Ferbasa, Brazil
- Italmagnésio SA, Brazil
- Companhia Paulista de Ferroligas, Brazil
- Tovarna Dusika Ruse, Slovenia

(c) *Unrelated importers*

- Considar, Belgium
- SA des Minerais, Luxembourg

(d) *Related importers*

- Elkem GmbH, Germany
- Elkem Alloys Ltd, UK
- Fesil Alloys Ltd, UK
- Fesil GmbH, Germany.

- (12) The Commission requested, and received, submissions from the complainants, from the exporters named and from a number of related and unrelated importers and verified the information provided to the extent considered necessary.

- (13) The exporters, related importers, one unrelated importer and the complainant industry requested, and were informed of, the essential facts and considerations on the basis of which it was planned to recommend the imposition of amended anti-dumping duties. Due account was taken of the representations of the parties concerned in the findings of the Commission.

- (14) The investigation into dumping practices covered the period from 1 January 1991 to 30 April 1992.

B. PRODUCT

1. Description of the product

- (15) The product under investigation is ferro-silicon containing between 20 and 96 % of silicon by weight and exported by the countries under review, falling within CN codes 7202 21 90, 7202 21 10 and ex 7202 29 00.

- (16) An exporter and an importer claimed that the physical characteristics of frequently traded grades of ferro-silicon, namely ferro-silicon containing 45 % of silicon and ferro-silicon containing 75 % of silicon, are substantially different as far as chemical composition, gravity, weight, bulk, density, colour, hardness and chill-factor are concerned and that their metallurgical properties are not the same. They also asserted that the production process for the two types of products requires different production facilities and therefore leads to differences in classification, handling, consumption, supply and pricing.

Furthermore, those two parties pointed out that ferro-silicon containing 45 % of silicon is not interchangeable with ferro-silicon containing 75 % of silicon. For all these reasons, ferro-silicon containing 45 % of silicon should, they claimed, be excluded from the proceeding.

- (17) In that respect, the Commission recalls that where the product concerned consists of several grades or qualities, the question as to whether those different types of product have to be regarded as forming one product has to be answered on the basis of the physical or chemical characteristics and uses of those grades or qualities.

- (18) The investigation has shown that both ferro-silicon containing 45 % and that containing 75 % of silicon have the same basic physical and chemical characteristics. In addition, they are interchangeable in their main applications as a deoxidizer in steel manufacture and/or as an alloying component for high-temperature steel alloys and sheet metal and have therefore to be regarded as forming one product for the purpose of this proceeding.

2. Like product

- (19) The Commission established that the ferro-silicon produced in the Community and the ferro-silicon sold or produced in Brazil, Venezuela, Iceland, Norway, Sweden and the Republics of the former Yugoslavia are alike in all respects to the product concerned as exported from the countries concerned by this proceeding.
- (20) The Council confirms those findings.

C. NORMAL VALUE AND EXPORT PRICE

1. Norway

(a) Normal value

- (21) The Norwegian producers formed part of two separate corporate groups and sold through related sales companies which exported most of their merchandise to related importers in the Community.
- (22) In no case did the volume of sales on the Norwegian domestic market attain 5 % of the volume of exports of the product to the Community, which has consistently been considered by the Commission to be a minimum representative volume for comparison.
- (23) Normal value for the Norwegian producers has therefore been calculated in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. It has been constructed on the basis of the fixed and variable raw material and manufacturing costs for the product exported to the Community, together with a reasonable amount for selling, administrative and other general costs, as well as a reasonable margin of profit. As regards each of the two Norwegian groups, a weighted average of the manufacturing costs of their producing subsidiaries was calculated.

Since there were, in both cases, no domestic sales in representative quantities of ferro-silicon or of products in the same business sector, the selling, general and administrative costs and profit were established on the basis of data available to the Commission concerning this product sector in Norway. This basis was considered reasonable and thus in accordance with Article 2 (3) (b) (ii) of the Basic Regulation.

A profit margin of 6 % was added to the full costs of the product. That profit was in line with the profit considered necessary for the Community industry to remain viable.

(b) Export price

- (24) Where sales were made direct to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.
- (25) Where exports were made to related importers in the Community, export prices were constructed in accordance with Article 2 (8) (b) of the Basic Regulation on the basis of resale prices to the first independent purchaser, adjusted to take account of all costs incurred between importation and resale, together with a 3 % profit margin which was considered reasonable in view of the information available to the Commission on the product sector concerned.

2. Iceland

(a) Normal value

- (26) Since there were no sales of ferro-silicon on the domestic Icelandic market, normal value was constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. As far as selling, general, administrative expenses and profit were concerned, the situation was the same as for Norway and the determination was therefore made on the same basis (see recital 23).

(b) Export price

- (27) The sole producer in Iceland, Icelandic Alloys Ltd, channelled its sales to the Community through a Norwegian group which has a significant shareholding in this producer (see recital 21).
- (28) Therefore, in order to achieve comparability between the normal value and export price, the latter had to be constructed on the basis of the price at which the product concerned was resold by the Norwegian company to independent Community customers, as provided for by Article 2 (8) (b) of the Basic Regulation. In accordance with that provision, allowance was made for an estimated margin of 3 % arising from profits realized on sales on the sector concerned.

3. Sweden

(a) Normal value

- (29) Domestic sales of the Swedish producer exceeded 5 % of exports to the Community and therefore represented a volume sufficient to constitute a representative market and an adequate basis for calculating the normal value.

(30) Normal value has therefore been calculated on the basis of the weighted average domestic prices for ferro-silicon sold on the domestic market at prices made in the ordinary course of trade, in accordance with Article 2 (3) (a) of the Basic Regulation.

(31) The prices were net of all discounts and rebates directly linked to the sales under consideration.

(b) Export price

(32) Since all exports were made direct to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

4. Venezuela

(a) Normal value

(33) Domestic sales of the Venezuelan producer exceeded 5 % of exports to the Community and therefore represented a volume sufficient to constitute a representative market and an adequate basis for calculating the normal value.

(34) 70 % of the sales on the domestic market were sold to related companies for processing and could not be considered reliable and made in the ordinary course of trade. The remaining sales were made at prices which did not permit the recovery in the normal course of trade of all costs reasonably allocated. Normal value was therefore constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation.

Given the volume of domestic sales, the Commission was in a position to calculate the selling, general and administrative expenses by reference to the expenses incurred by the producer on its sales on the domestic market.

A profit margin of 6 % on the total costs of production was considered reasonable (see recital 23).

(b) Export price

(35) Since sales were made direct to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

5. Brazil

(a) Normal value

(36) Domestic sales of all the Brazilian producers exceeded 5 % of export sales to the Community and therefore represented a volume sufficient to constitute a representative market and an adequate basis for calculating the normal value.

(37) In view of the significant price variations which are the result of the high inflation in Brazil, normal value was determined on a monthly basis, either by reference to domestic sales or, where necessary, by reference to the constructed value as defined hereafter.

(38) The Commission examined whether the domestic sales had been made in the ordinary course of trade, by comparing each domestic transaction with the production cost per tonne of each producer during the same monthly period.

During the months when sales were considered profitable, normal values were determined for that month, on the basis of the domestic prices in accordance with Article 2 (3) (a) of the Basic Regulation.

In all other cases, normal value was constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation.

Given the volume of domestic sales, the Commission was in a position to calculate the selling, general and administrative expenses by reference to the expenses incurred by the producer on its sales on the domestic market. A profit margin of 6 % was also added (see recital 23).

(b) Export price

(39) Since sales were made direct to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

6. Kazakhstan, Ukraine, Russia

(a) Normal value

(40) On the basis of the information available to the Commission, of the countries of the former USSR, production facilities for ferro-silicon existed only in Kazakhstan, Ukraine and Russia. It was, however, not possible to distinguish the products by origin, since they were exported to the Community by a Russian trader which made no such distinction.

Since all three countries are non-market economy countries within the meaning of Article 2 (5) of the Basic Regulation, normal value was based on information obtained from a market economy in which the product was manufactured.

For this purpose, the Commission chose Norway. The choice was not questioned by the producers in the three countries concerned. The Norwegian ferro-silicon industry reported high production volumes and low production costs and appeared, by comparison with all other known producing countries, to be an efficient producer given the ease of access to hydroelectrical power, the most costly input in the production of ferro-silicon. Norway was therefore considered to be an appropriate and not unreasonable choice of analogous market.

- (41) Normal value for Norway was established as explained in recital 23.

(b) Export prices

- (42) The producers from Ukraine and Russia did not cooperate, while the questionnaire completed by the producer from Kazakhstan was found to be inaccurate as far as export prices were concerned and the information contained therein could therefore not be used.

The Commission verified more than 70 % of the total imports made through the trading organization, Promsyrio-Import, which represented producers in Kazakhstan, Ukraine and Russia. This quantity was considered representative of all transactions of the producers in Kazakhstan, Ukraine and Russia during this period.

Accordingly, export prices were determined on the basis of the prices to the first independent buyer.

D. COMPARISON

- (43) For each country concerned, in comparing the normal value with export prices, transaction by transaction, the Commission, in accordance with Article 2 (9) and 2 (10) of the Basic Regulation, took account, where warranted, of the differences directly affecting price comparability, such as certain selling expenses, namely credit terms, transport, insurance and handling costs, packing and ancillary costs.

For Kazakhstan, Ukraine and Russia, an allowance was made for differences in physical characteristics, in particular screening, crushing and weighing. Normal value for all three countries was adjusted, since the alleged difference was substantiated, by an amount based on a reasonable estimate of the value.

- (44) All comparisons were made at the same level of trade.

E. DUMPING MARGIN

- (45) The margins of dumping equalled the amount by which the normal value established exceeded the price for export to the Community.

1. Norway

- (46) The weighted average dumping margin for the companies Elkem and Fesil, expressed as a percentage of the cif-Community-frontier prices, customs duty unpaid, was 6,8 %.
- (47) Since it was established that those two companies were responsible for all exports of ferro-silicon of Norwegian origin to the Community, it was considered appropriate that the above margin should be applicable to Norway as a whole.

2. Iceland

- (48) The weighted average dumping margin for the company concerned, expressed as a percentage of the cif-Community-frontier prices, customs duty unpaid, is 6,8 %.
- (49) Since it was established that the company was responsible for all exports of ferro-silicon of Icelandic origin to the Community, it was considered appropriate that the above margin should be applicable to Iceland as a whole.

3. Sweden

- (50) The weighted average dumping margin for the company concerned, expressed as a percentage of the cif-Community-frontier prices, customs duty unpaid, is 7,4 %.
- (51) Since it was established that the company was responsible for all exports of ferro-silicon of Swedish origin to the Community, it was considered appropriate that the above margin should be applicable to Sweden as a whole.

4. Venezuela

- (52) The weighted average dumping margin for the company CVG Fesilven, expressed as a percentage of the cif-Community-frontier prices, customs duty unpaid, was 20,4 %.
- (53) In the case of firms which had failed to cooperate in the investigation or had not replied satisfactorily to the Commission's questionnaire, the Commission considered that the dumping should be determined on the basis of the facts available, in accordance with Article 7 (7) (b) of the Basic Regulation. In this respect, it was considered that the margin found for the company Fesilven would be the most appropriate.

5. Brazil

- (54) The weighted average dumping margins for the companies concerned, expressed as a percentage of the cif-Community-frontier prices, customs duty unpaid, were as follows:

— Companhia Brasileira Carbureto de Cálcio :	9,2 %
— Ferbasa :	22,8 %
— Italmagnésio :	25 %.

- (55) In the case of Brazilian companies which cooperated in the investigation and were found not to

have exported during the investigation period (Rima Electrometalurgia SA, Companhia Paulista de Ferroligas, Companhia Ferroligas Minas Gerais Minasligas), the Commission considers that the best evidence available in the weighted average dumping margin found for the companies which did export. This was found to be 20,53 %.

- (56) In the case of firms which had failed to cooperate in the investigation or had not replied satisfactorily to the Commission's questionnaire, the Commission considered that the dumping should be determined on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation. In this respect, the Commission considered that the most reasonable facts were those established in the investigation and that, in order to prevent duty-circumvention and to avoid offering a bonus for non-cooperation, the highest margin found for Brazil would be the most appropriate.

6. Kazakhstan, Ukraine and Russia

- (57) The weighted average dumping margins for the countries concerned, expressed as a percentage of the cif-Community-frontier prices, customs duty unpaid, were as follows:

— Kazakhstan :	74 %
— Ukraine :	74 %
— Russia :	74 %.

7. The remaining Republics of the former USSR

- (58) Since no ferro-silicon originating in the remaining Republics of the former USSR was imported into the Community during the investigation period, any review of the measures, as they concerned those Republics, was inappropriate. Accordingly, the anti-dumping measures in respect of those Republics should not be maintained.

8. Former Yugoslav Republic of Macedonia and the Republics of Bosnia-Herzegovina and Slovenia

- (59) For the producers in the abovementioned countries, given that their contribution to injury was *de minimis*, no dumping calculations were made (see recital 62).

9. Conclusion

- (60) The Council confirms the above conclusions.

F. INJURY

1. Cumulation

- (61) The effects of the imports from the countries under review have, in general, to be analysed cumulatively, since the exports originating in each of those countries comprised significant quantities of the product under consideration and competed with the Community production and with each other, and because the exporters' market behaviour was similar.

- (62) However, imports from the Republics of Bosnia-Herzegovina and Slovenia and the former Yugoslav Republic of Macedonia were minimal. While the mere fact that imports from those countries, after the imposition of duties, were negligible is not a circumstance justifying *ipso facto* in a review proceeding the lifting of duties against those countries or precluding the cumulation with other imports, it was found that the plant located in the Republic of Bosnia-Herzegovina has been seriously damaged and will be out of operation for a significant period of time.

The current capacity in the former Yugoslav Republic of Macedonia and Slovenia is such that it is unlikely that their exports to the Community will go beyond a negligible volume in the near future. It can therefore be expected that the volumes imported from those three countries, after lifting of measures, will remain at an insignificant level. Any contribution to further injury or any threat of injury cannot therefore be attributed to these imports.

- (63) The Council confirms these findings.

2. Volume, market share and prices of the dumped imports

Volume of imports

- (64) The volume of ferro-silicon imported from the countries under review, as a percentage of consumption, increased from 56 % in 1988 to 60 % in 1991 and 69 % at the beginning of 1992:

- the imports originating in Kazakhstan, Russia and Ukraine rose considerably from 30 000 tonnes in 1988 (6 % market share), 72 000 tonnes in 1991 (14 % market share) to 90 000 tonnes in 1992 (16 % market share);
- the volume of the imports from Norway (approximately 200 000 tonnes per year), from Iceland (approximately 20 000 tonnes per year), from Sweden (approximately 12 000 tonnes per year) remained relatively stable between 1988 and 1992 with market shares of some 40 % for Norway, 4 % for Iceland and over 2 % for Sweden in 1992;
- the imports originating in Brazil increased from 9 000 tonnes in 1988 (nearly 2 % market share), to 16 600 tonnes in 1991 (3,2 % market share) to approximately 28 000 tonnes in 1992 (5,5 % market share calculated on an annual basis); during the same period, Venezuelan imports went up from 1 000 tonnes in 1988, to 8 600 tonnes in 1991 to approximately 9 000 tonnes (nearly 2 % market share);
- the imports from the Republics of Bosnia-Herzegovina and Slovenia and the former Yugoslav Republic of Macedonia, the sole countries of the former Yugoslavia producing ferro-silicon, decreased drastically from 18 000 tonnes in 1988 (nearly 4 % market share) to 3 000 tonnes for Slovenia, 2 000 tonnes for the former Yugoslav Republic of Macedonia and less than 1 000 tonnes for Bosnia-Herzegovina in 1992 (less than 1,2 % market share for those three countries together).

Price of the dumped imports

- (65) The prices cif, at Community frontier, duty paid, to the first independent buyer in the Community for the product imported from the countries under review were lower than the Community producers' average ex works prices, which were already depressed.

The comparison, carried out at the same level of trade, showed the following average price-undercutting margins;

- 9,9 % for Norway,
- 9,9 % for Iceland,
- 7,8 % for Sweden,
- 20,1 % for Brazil,
- 20 % for Venezuela,
- 58,2 % for Ukraine, Russia and Kazakhstan.

- (66) The Council confirms these findings.

3. Situation of the Community industry

Production, capacity and utilization rate

- (67) Community production of ferro-silicon fell from nearly 190 000 tonnes in 1989 to 132 000 tonnes in

1991 and 102 000 tonnes in 1992. Though production capacity fell from nearly 255 000 tonnes in 1989 to approximately 200 000 tonnes in 1992, the utilization rate nevertheless decreased from 75 % in 1989 to 48 % in 1992.

Sales volume and market share

- (68) The quantity of ferro-silicon sold in the Community by the Community producers fell from 163 000 tonnes in 1989 to 135 000 tonnes in 1990, to 122 000 tonnes in 1991 and to approximately 100 000 tonnes in 1992.

Between 1989 and 1992 the Community industry's market share declined as follows: 30 % in 1989, 25 % in 1990, 23 % in 1991 and 13 % in 1992 (four months), while the Community's annual consumption increased between 1988 and 1989 from 490 000 tonnes to 535 000 tonnes and has since remained at that level.

Price evolution

- (69) The low level of import prices over the investigation period meant that Community producers had to sell the product in the Community at prices which, in most cases, did not cover their production costs. The low level of prices not only prevented Community producers from raising their prices in order to reflect the rise in production costs, but even forced them to lower their prices, although this did not stop them from losing market shares.

Profits

- (70) Due to the price depression and the declining capacity utilization which negatively affected the coverage of fixed costs in relation to this highly capital-intensive industry, the Community industry overall has recorded poor financial results since 1987 (with the exception of 1989, when a small profit was realized). The situation had further deteriorated since 1990 and particularly during the investigation period, with all Community producers suffering heavy losses. A weighted average of the Community industry's results shows a loss of some 34 % on turnover during that period.

Employment and investment

- (71) It should be noted that the ferro-silicon industry is not labour intensive. However, there has been a small, but steady curtailment in employment levels.

Investments have been cut, and in Italy three companies stopped their ferro-silicon production.

Conclusion

- (72) Given the financial losses and the reduction of its market shares, the Community industry's position has declined considerably. The Commission concludes accordingly that the industry has suffered material injury within the meaning of Article 4 (1) of the Basic Regulation.

- (73) The Council confirms these findings and conclusions.

4. Causal link between dumped imports and injury

- (74) The Commission examined whether the material injury suffered by the Community industry was caused by the effects of the dumping, and found that the increased influx of imports of the countries under review coincided with a significant loss of market share and a reduced profitability on the part of the Community industry. The Community ferro-silicon market is a transparent and price-sensitive market in which the price-undercutting practised by the producers of the countries under review had an immediate depressive effect on the prices of the Community industry. The Community producers had to adjust their prices to meet this downward trend in prices.

- (75) The Council confirms these findings.

5. Other factors

- (76) The Commission also considered whether factors other than the dumped import of ferro-silicon could have caused injury to industry.
- (77) It has already been found that many of the difficulties encountered by the Community ferro-silicon industry have been caused by the dumped imports of other third countries (such as South Africa and China). However, this does not detract from the conclusion that considerable quantities and the low prices of the dumped imports from the countries under review also had a substantial influence on the unfavourable situation of the Community industry;
- (78) The Commission did not find any other factors which could explain the precarious economic situation of the Community industry. Indeed, there were neither substantial imports, other than those mentioned, nor was there any contraction in demand between 1990 and 1992.

6. Conclusion

- (79) In those circumstances, and even allowing for the fact that imports from South Africa, China, Poland and Egypt have also contributed to the poor situation in the Community industry, the Commission

has come to the conclusion that the effects of the dumped imports of ferro-silicon originating in Brazil, Venezuela, Norway, Iceland, Sweden, Ukraine, Kazakhstan and Russia, taken in isolation, have to be considered as still causing material injury to the Community industry. And lifting of the measures against these producers would therefore increase the existing injury. That being so, the present circumstances do not justify the repeal of the measures. On the contrary, the situation as found requires the adjustment of the existing measures to the new situation.

Indeed, should the measures in force remain unchanged, lapse or be repealed, the result would certainly be further price decreases in the imports, causing further price depression on the whole Community market, and further loss of market shares and profitability for the Community industry.

- (80) The Council confirms these findings and conclusions.

G. COMMUNITY INTEREST

- (81) In assessing the Community interest, the Commission took account of certain basic elements. The prevention of the distortion of competition arising from unfair commercial practices, and hence the re-establishment of open and fair competition on the Community market, is the very purpose of anti-dumping measures and is fundamentally in the general Community interest. Furthermore, failure to maintain measures in force would aggravate the already precarious situation of the Community industry, especially noticeable from the lack of profitability and the shrinking of market shares, making its viability questionable. Should the industry be forced to cease production, the Community would be rendered entirely dependent for its supply on third countries.

Without anti-dumping measures, the disappearance of certain Community producers is quite probable in the near future, given the level of losses incurred by certain of them over an extended period. It should be noted in this respect that some Italian producers ceased operating at the beginning of 1991. Any further deterioration would endanger jobs and investment in the sector concerned.

- (82) The Commission recognizes that the imposition of anti-dumping duties could affect price levels of the exporters concerned in the Community and subsequently may have some influence on the relative competitiveness of their products. However, the competitive advantage that is being lost is due to unfair trade practices which anti-dumping measures are designed to remove.

(83) It has also been argued that anti-dumping measures would reduce the number of competitors on the market. However, the Commission considers that the number of competitors on the Community market will not be reduced by the adoption of anti-dumping measures. On the contrary, the removal of the unfair advantages gained by the dumping practices is designed to arrest the decline of the Community industry and thus to help to maintain the availability of a wide choice of ferro-silicon producers.

(84) As to the interests of the processing industry, namely producers of speciality steel which are end-users of the product concerned in the Community, its short-term price advantages have to be viewed against the background of the longer-term effect of not retaining fair competition. Indeed, to refrain from maintaining measures in force would seriously threaten the viability of the Community industry, the disappearance of which would in fact reduce supply and competition to the detriment of consumers. Moreover, it has to be borne in mind that the price of ferro-silicon represents, on average, only 0,2 % of the cost of a tonne of steel. Any cost increase of ferro-silicon due to anti-dumping measures would therefore have an insignificant impact on the final consumers.

(85) The Commission considers that it is therefore in the Community's interest to call for the continued imposition of anti-dumping measures in order to prevent further injury being caused by the dumped imports.

(86) The Council confirms these conclusions.

H. UNDERTAKINGS

(87) Two companies proposed revised price undertakings.

(88) The prices cited in previous undertakings have all systematically been undercut and the Commission considers that the undertakings can no longer be considered an appropriate remedy.

(89) The Council confirms the approach.

I. LEVEL OF THE DUTY

(90) In order to adapt the measures to the changed circumstances and prevent the recurrence of further injury, it is considered that anti-dumping measures should be established in such a way as to allow the Community industry to make a reasonable profit in the future and to stem the fall in its sales.

(91) The Commission has calculated the weighted average production cost of the Community producers, a profit of 6 %, based on past performance and considered reasonable for guaranteeing the industry's productive investment on a long-term basis. Since the difference between those costs and the average import prices on a cif-Community-frontier basis, duty unpaid, is higher than the dumping margins for all companies or countries concerned, the duties should be based on the during margins recorded.

(92) Accordingly, the following anti-dumping duties should be imposed :

— Norway :	6,8 %
— Iceland :	6,8 %
— Sweden :	7,4 %
— Venezuela :	20,4 %
— Brazil :	25,0 %
— Companhia Brasileira Carbureto di Cálcio :	9,2 %
— Ferbasa :	22,8 %
— Rima Electrometalurgia :	20,5 %
— Companhia Paulista de Ferroligas :	20,5 %
— Companhia Ferroligas Minas Gerais Minasligas :	20,5 %
— Russia :	74,0 %
— Ukraine :	74,0 %
— Kazakhstan :	74,0 %

(93) In the case of firms which failed to cooperate in the investigation, the Commission considers that the duties should be established on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation. In order not to reward non-cooperation, it was considered that the most reasonable facts were those established during the investigation and that there was no reason to believe that any duties lower than the highest duties considered necessary would be sufficient to remove the injury caused by the imports. Accordingly, it is considered appropriate to impose the highest duty calculated for ferro-silicon originating in each country under investigation.

(94) The Commission is, as always, prepared to carry out a newcomer review in the case of those companies which did not export during the investigation period, and are not related to companies which did export during that period and intend to commence the exports to the Community.

(95) The Council confirms the above.

J. REPEAL OF REGULATIONS AND DECISIONS

- (96) Regulations (EEC) No 2409/87, (EEC) No 341/90, (EEC) No 1115/91 and Decision 91/240/EEC should accordingly be repealed,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferro-silicon containing between 20 and 96 % of silicon by weight falling within CN codes 7202 21 00, 7202 21 90 and ex 7202 29 00 (Taric code 7202 29 00 11) and originating in Norway, Sweden, Iceland, Brazil, Venezuela, Kazakhstan, Russia and Ukraine.

2. The rate of duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be :

- 6,8 % for ferro-silicon originating in Norway,
- 6,8 % for ferro-silicon originating in Iceland,
- 7,4 % for ferro-silicon originating in Sweden,
- 20,4 % for ferro-silicon originating in Venezuela,
- 25 % for ferro-silicon originating in Brazil (additional Taric code 8731), with the exception of

that produced by the companies below, to which the following rates shall apply :

- 9,2 % Cia Brasileira Carbureto de Cálcio, Rio de Janeiro (additional Taric code 8729);
- 22,8 % Cia de Ferro Ligas da Bahia (Ferbasa), Pojuca, Bahia (additional Taric code 8730);
- 20,5 % Cia Rima Electrometalurgia SA, Belo Horizonte (additional Taric code 8734);
- 20,5 % Cia Paulista de Ferroligas, São Paulo (additional Taric code 8734);
- 20,5 % Cia Ferroligas Minas Gerais, Minasligas, Contagem, MG (additional Taric code 8734);
- 74 % for ferro-silicon originating in Russia, Kazakhstan and Ukraine.

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

4. Regulations (EEC) No 2409/87, (EEC) No 341/90, (EEC) No 1115/91 and Decision 91/240/EEC are hereby repealed.

Article 2

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

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

Done at Brussels, 2 December 1993.

For the Council

The President

M. DE GALAN

COMMISSION REGULATION (EC) No 3360/93
of 8 December 1993
amending Regulation (EEC) No 2147/93 on a special intervention measure for
barley in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾,

Having regard to Commission Regulation (EEC) No 1533/93 of 22 June 1993, laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on recitals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾,

Whereas Commission Regulation (EEC) No 2147/93⁽⁴⁾ opens an invitation to tender for the refund for the export of barley produced in Spain to all third countries;

Whereas, given the present situation, the United States of America and Canada should be excluded from the destinations for this invitation to tender;

Whereas, as a result, as regards exports of barley to the United States of America and Canada, no refund shall be payable; whereas, consequently, provision should be made to ensure that exporters furnish one of the documents provided for in Commission Regulation (EEC) No 3665/87⁽⁵⁾, as last amended by Regulation (EEC) No 2805⁽⁶⁾;

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. Article 2 (2) of Regulation (EEC) No 2147/93 is hereby replaced by the following:

'2. The invitation to tender shall relate to the quantity of barley referred to in Article 1 (1) for export to all third countries, except the United States of America and Canada.'

2. The heading of Annex I to Regulation (EEC) No 2147/93 is hereby replaced by the following:

'Weekly invitation to tender for the refund for the export of Spanish barley to all third countries except the United States of America and Canada.'

Article 2

Notwithstanding Article 14 of Regulation (EEC) No 1533/93, one of the documents provided for in Article 18 (2) of Regulation (EEC) No 3665/87 shall be furnished for exports of barley made using export licences issued as from the entry into force of this Regulation.

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, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 191, 31. 7. 1993, p. 109.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 256, 14. 10. 1993, p. 7.

COMMISSION REGULATION (EC) No 3361/93

of 8 December 1993

amending Regulation (EEC) No 1279/93 opening an invitation to tender for the refund for the export of barley

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/93 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Commission Regulation (EEC) No 2193/93 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾,

Whereas Commission Regulation (EEC) No 2147/93 ⁽⁴⁾ opens an invitation to tender for the refund for the export of barley to all third countries; whereas, given the present situation, the United States of America and Canada should be excluded from the destinations for this invitation to tender;

Whereas, as a result, as regards exports of barley to the United States of America and Canada, no refund shall be payable; whereas, consequently, provision should be made to ensure that exporters furnish one of the documents provided for in Commission Regulation (EEC) No 3665/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2805/93 ⁽⁶⁾;

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

1. Article 1 (2) of Regulation (EEC) No 1279/93 is hereby replaced by the following:

'2. The invitation to tender shall relate to barley for export to all third countries except the United States of America and Canada.'

2. The heading of the Annex I to Regulation (EEC) No 1279/93 is hereby replaced by the following:

'Weekly invitation to tender for the refund for the export of barley to all third countries except the United States of America and Canada.'

Article 2

Notwithstanding Article 14 of Regulation (EEC) No 1533/93, one of the documents provided for in Article 18 (2) of Regulation (EEC) No 3665/87 shall be furnished for exports of barley made using export licences issued as from the entry into force of this Regulation.

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, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 131, 28. 5. 1993, p. 19.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 256, 14. 10. 1993, p. 7.

COMMISSION REGULATION (EC) No 3362/93

of 8 December 1993

amending Regulations (EEC) No 1192/93, (EEC) No 1194/93, (EEC) No 1196/93, (EEC) No 1513/93, (EEC) No 1514/93 and (EEC) No 1515/93 opening standing invitations to tender for the export of cereals held by the intervention agencies

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 ⁽³⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas under Commission Regulations (EEC) No 1192/93 ⁽⁴⁾, (EEC) No 1194/93 ⁽⁵⁾, (EEC) No 1196/93 ⁽⁶⁾, (EEC) No 1513/93 ⁽⁷⁾, (EEC) No 1514/93 ⁽⁸⁾, as last amended by Regulation (EC) No 3160/93 ⁽⁹⁾ and (EEC) No 1515/93 ⁽¹⁰⁾, as last amended by Regulation (EC) No 3214/93 ⁽¹¹⁾, standing invitations to tender for cereals held by the intervention agencies have been opened for export to all third countries;

Whereas, in the current situation, the United States of America and Canada should be excluded from the destinations eligible under these invitations to tender;

Whereas, as a result, as regards exports of barley to the United States of America and Canada, no refund shall be payable; whereas, consequently, provision should be made to ensure that exporters furnish one of the documents provided for in Article 18 (2) of Commission Regu-

lation (EEC) No 3665/87 ⁽¹²⁾, as last amended by Regulation (EEC) No 2805/93 ⁽¹³⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (1) of Regulations (EEC) No 1192/93, (EEC) No 1194/93, (EEC) No 1196/93, (EEC) No 1513/93, (EEC) No 1514/93 and (EEC) No 1515/93, 'all third countries' is replaced by 'all third countries except the United States of America and Canada'.

Article 2

Notwithstanding the second sentence of Article 17 (3) of Regulation (EEC) No 2131/93, one of the documents provided for in Article 18 (2) of Regulation (EEC) No 3665/87 shall be furnished for export of barley made using export licences issued as from the entry into force of this Regulation.

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, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.
⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.
⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 5.
⁽⁵⁾ OJ No L 122, 18. 5. 1993, p. 11.
⁽⁶⁾ OJ No L 122, 18. 5. 1993, p. 17.
⁽⁷⁾ OJ No L 150, 22. 6. 1993, p. 15.
⁽⁸⁾ OJ No L 150, 22. 6. 1993, p. 18.
⁽⁹⁾ OJ No L 283, 18. 11. 1993, p. 9.
⁽¹⁰⁾ OJ No L 150, 22. 6. 1993, p. 21.
⁽¹¹⁾ OJ No L 291, 25. 11. 1993, p. 2.

⁽¹²⁾ OJ No L 351, 14. 12. 1987, p. 1.
⁽¹³⁾ OJ No L 256, 14. 10. 1993, p. 7.

COMMISSION REGULATION (EC) No 3363/93

of 8 December 1993

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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) ⁽¹⁾, extended by Regulation (EEC) No 444/92 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 provides for the opening by the Community of quotas for imports of the following:

- 2 000 tonnes of tomatoes, other than cherry tomatoes falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 2 000 tonnes of cherry tomatoes, falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,
- 1 500 tonnes of fresh strawberries falling within CN code ex 0810 10 90, for the period 1 November to 28 February;

Whereas within the limits of these tariff quotas, customs duties have been phased out progressively:

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, concerning the tariff quotas for chilled tomatoes, fresh figs and strawberries,
- by 60 % of the said duties concerning the tariff quota in relation to tomatoes other than cherry tomatoes and that these maximal reduction rates have been applied from the moment of entry into force of the present Regulation;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas Commission Regulation (EEC) No 3025/93 of 28 October 1993 opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States ⁽³⁾ was published in the *Official Journal of the European Communities*; whereas the publication of that Regulation took place, by administrative error, without certain normal rules prior to its adoption by the Commission being respected; whereas that Regulation should be repealed and replaced from 1 November 1993 by the present Regulation;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members;

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

The customs duties applicable to imports into the Community of the following products originating in the African, Caribbean and Pacific States shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 270, 30. 10. 1993, p. 68.

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November 1993 to 30 April 1994	2 000	4,4 min 0,8 ECU/100 kg/net
09.1613	ex 0702 00 10	Cherry tomatoes, fresh or chilled from 15 November 1993 to 30 April 1994	2 000	0
09.1608	ex 0804 20 10	Fresh figs, from 1 November 1993 to 30 April 1994	200	0
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November 1993 to 28 February 1994	1 500	0

(*) Taric codes appear in the Annex.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Article 5

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Article 6

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

Regulation (EEC) No 3025/93 is hereby repealed.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

Article 7

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

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among

It shall apply with effect from 1 November 1993.

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

Done at Brussels, 8 December 1993.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

Taric codes⁽¹⁾

Order No	CN code	Taric code
09.1601	ex 0702 00 10	0702 00 10 * 29 0702 00 10 * 39 0702 00 10 * 49 0702 00 10 * 59 0702 00 10 * 69 0702 00 10 * 79 0702 00 10 * 84
09.1613	ex 0702 00 10	0702 00 10 * 21 0702 00 10 * 31 0702 00 10 * 41 0702 00 10 * 51 0702 00 10 * 61 0702 00 10 * 71 0702 00 10 * 81
09.1608	ex 0804 20 10	0804 20 10 * 10 0804 20 10 * 40
09.1603	ex 0810 10 90	0810 10 90 * 32 0810 10 90 * 33 0810 10 90 * 36 0810 10 90 * 39

⁽¹⁾ The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EC) No 3364/93
of 8 December 1993
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of pigs falling within CN codes 0103 91 10 and 0103 92 19 and certain products falling within CN code 0203; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within CN codes 0210 19 51 and 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 91 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take

this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 4 of Regulation (EEC) No 2768/75 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 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas the refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽⁴⁾, as last amended by Regulation (EEC) No 2159/93⁽⁵⁾;

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December 1993.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 194, 3. 8. 1993, p. 7.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 8 December 1993 fixing the export refunds on pigmeat

(ECU/100 kg net weight)			(ECU/100 kg net weight)		
Product code	Destination of refund (1)	Amount of refund (2)	Product code	Destination of refund (1)	Amount of refund (2)
0103 91 10 000	01	17,00	0210 12 19 100	01	25,00
0103 92 19 000	01	17,00	0210 12 19 900	01	—
0203 11 10 000	01	25,00	0210 19 40 100	01	15,00
0203 12 11 100	01	25,00	0210 19 40 900	01	—
0203 12 11 900	01	—	0210 19 51 100	01	15,00
0203 12 19 100	01	25,00	0210 19 51 310	01	10,00
0203 12 19 900	01	—	0210 19 51 390	01	—
0203 19 11 100	01	25,00	0210 19 51 900	01	—
0203 19 11 900	01	—	0210 19 81 100	01	70,00
0203 19 13 100	01	25,00	0210 19 81 300	01	52,00
0203 19 13 900	01	—	0210 19 81 900	01	—
0203 19 15 100	01	17,00	1601 00 10 100	01	26,00
0203 19 15 900	01	—	1601 00 10 900	01	—
0203 19 55 120	01	15,00	1601 00 91 100	01	44,00
0203 19 55 190	01	15,00	1601 00 91 900	01	—
0203 19 55 311	01	10,00	1601 00 99 100	01	30,00
0203 19 55 319	01	—	1601 00 99 900	01	—
0203 19 55 391	01	10,00	1602 10 00 000	01	13,00
0203 19 55 399	01	—	1602 20 90 100	01	24,00
0203 19 55 900	01	—	1602 20 90 900	01	—
0203 21 10 000	01	25,00	1602 41 10 100	01	24,00
0203 22 11 100	01	25,00	1602 41 10 210	01	40,00
0203 22 11 900	01	—	1602 41 10 290	01	21,00
0203 22 19 100	01	25,00	1602 41 10 900	01	—
0203 22 19 900	01	—	1602 42 10 100	01	24,00
0203 29 11 100	01	25,00	1602 42 10 210	01	35,00
0203 29 11 900	01	—	1602 42 10 290	01	21,00
0203 29 13 100	01	25,00	1602 42 10 900	01	—
0203 29 13 900	01	—	1602 49 11 110	01	24,00
0203 29 15 100	01	17,00	1602 49 11 190	01	40,00
0203 29 15 900	01	—	1602 49 11 900	01	—
0203 29 55 120	01	15,00	1602 49 13 110	01	24,00
0203 29 55 190	01	15,00	1602 49 13 190	01	35,00
0203 29 55 311	01	10,00	1602 49 13 900	01	—
0203 29 55 319	01	—	1602 49 15 110	01	24,00
0203 29 55 391	01	10,00	1602 49 15 190	01	35,00
0203 29 55 399	01	—	1602 49 15 900	01	—
0203 29 55 900	01	—	1602 49 19 110	01	16,00
0210 11 11 100	01	15,00	1602 49 19 190	01	29,00
0210 11 11 900	01	—	1602 49 19 900	01	—
0210 11 31 110	01	70,00	1602 49 30 100	01	21,00
0210 11 31 190	01	—	1602 49 30 900	01	—
0210 11 31 910	01	52,00	1602 49 50 100	01	13,00
0210 11 31 990	01	—	1602 49 50 900	01	—
0210 12 11 100	01	10,00	1602 90 10 100	01	22,00
0210 12 11 900	01	—	1602 90 10 900	01	—
			1902 20 30 100	01	13,00
			1902 20 30 900	01	—

(1) The destinations are as follows:

01 third countries.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 3365/93
of 8 December 1993
fixing additional amounts for in the eggs sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries ⁽³⁾, as last amended by Regulation (EEC) No 3821/92 ⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC ⁽⁵⁾, No 183/66/EEC ⁽⁶⁾, No 765/67/EEC ⁽⁷⁾, (EEC) No 59/70 ⁽⁸⁾, as amended by Regulation (EEC) No 4155/87 ⁽⁹⁾ and (EEC) No 2164/72 ⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87 ⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from

Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69 ⁽¹²⁾, as amended by Regulation (CEE) No 4155/87, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

Whereas Council Regulation (EEC) No 1574/93 ⁽¹³⁾ amends CN code 0408 with effect from 1 January 1994; whereas this should be taken into account when the additional amounts are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 9 December 1993.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

⁽¹³⁾ OJ No L 152, 24. 6. 1993, p. 1.

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

Done at Brussels, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 8 December 1993 fixing additional amounts for products in the eggs sector

(valid from 9 to 31 December 1993)

CN code	Origin of imports ⁽¹⁾	Additional amount
		ECU/100 kg
0408 11 10	01	190,00
0408 91 10	02	160,00

⁽¹⁾ Origin :

- 01 United States of America,
- 02 Estonia and Belarus.

(valid from 1 January 1994)

CN code	Origin of imports ⁽¹⁾	Additional amount
		ECU/100 kg
0408 11 80	01	190,00
0408 91 80	02	160,00

⁽¹⁾ Origin :

- 01 United States of America,
- 02 Estonia and Belarus.

COMMISSION REGULATION (EC) No 3366/93

of 8 December 1993

fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3821/92⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation (EEC) No 565/68⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and

geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70⁽⁸⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2164/72⁽⁹⁾, as amended by Regulation (EEC) No 3987/87⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 9 December 1993.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 24.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

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

Done at Brussels, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 8 December 1993 fixing additional amounts for poultry meat products

(ECU/100 kg)

CN code	Origin of imports (1)	Additional amount
0207 39 11	01	30,00
0207 41 10	01	30,00

(1) Origin :

01 Brazil, Thailand and China.

COMMISSION REGULATION (EC) No 3367/93
of 8 December 1993
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 1554/93 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93 ⁽⁴⁾, as last amended by Regulation (EC) No 3349/93 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2419/93 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 61,995 per 100 kilograms.

Article 2

This Regulation shall enter into force on 9 December 1993.

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

Done at Brussels, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 222, 1. 9. 1993, p. 35.

⁽⁵⁾ OJ No L 300, 7. 12. 1993, p. 8.

COMMISSION REGULATION (EC) No 3368/93**of 8 December 1993****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 Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 7

December 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2703/93 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 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December 1993.

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

Done at Brussels, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 8 December 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	82,13 ^(*) ⁽²⁾
0712 90 19	82,13 ^(*) ⁽²⁾
1001 10 00	0 ⁽¹⁾ ⁽²⁾
1001 90 91	88,50
1001 90 99	88,50 ^(*)
1002 00 00	113,74 ^(*)
1003 00 10	119,25
1003 00 20	119,25
1003 00 80	119,25 ^(*)
1004 00 00	92,22
1005 10 90	82,13 ^(*) ⁽²⁾
1005 90 00	82,13 ^(*) ⁽²⁾
1007 00 90	98,31 ^(*)
1008 10 00	26,56 ^(*)
1008 20 00	26,48 ^(*)
1008 30 00	25,02 ^(*)
1008 90 10	^(*)
1008 90 90	25,02
1101 00 00	160,57 ^(*)
1102 10 00	196,51
1103 11 30	29,46
1103 11 50	29,46
1103 11 90	183,72
1107 10 11	168,41
1107 10 19	128,58
1107 10 91	223,14 ⁽¹⁰⁾
1107 10 99	169,48 ^(*)
1107 20 00	195,71 ⁽¹⁰⁾

⁽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.

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

⁽⁴⁾ Where millet and sorghum originating in the ACP 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), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EC) No 3369/93**of 8 December 1993****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 Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 7 December 1993, as regards floating currencies, should be used to calculate the levies;

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 to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December 1993.

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

Done at Brussels, 8 December 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 8 December 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	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
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 November 1993

amending Decision 92/589/EEC of 21 December 1992 on a multi-annual guidance programme for the fishing fleet of Belgium for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86

(Only the Dutch and French texts are authentic)

(93/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4028/86, of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector ⁽¹⁾, as last amended by Regulation (EEC) No 3946/92 ⁽²⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas Belgium transmitted to the Commission a memorandum concerning the multi-annual guidance programme for its fleet adopted on 21 December 1992;

Whereas in this memorandum the Belgian authorities considered that the strict application of the objectives envisaged by their programme would lead to the disappearance of the whole of the Belgian fishing industry because of the small size of the fleet;

Whereas the Belgian authorities evaluated the maximum reductions in capacity by segment of their fleet which were possible whilst maintaining a minimum level vital to their fishing industry;

Whereas these evaluations were communicated to the Commission on 9 June 1993;

Whereas the reductions in capacity thus obtained will represent a diminution in the global capacity of the Belgian fleet as at 1 January 1992 of the order of 15 % in power and 23 % in tonnage;

Whereas the measures envisaged in the present Decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION :

Article 1

The table of objectives for the multi-annual guidance programmes for the Belgian fleet for the period 1993 to 1996, shown in the Annex to the present Decision, including the footnotes, cancels and replaces that shown in the Annex to Decision 92/589/EEC.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 22 November 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 401, 31. 12. 1992, p. 31.

ANNEX

BELGIUM

Zone	Segment	ICES area	Situation 1.1.1992			Objective 31.12.1991		Reduction by segment (%)		Objective 31.12.1996	
			n	GRT (¹)	kW	tsl	kW	GRT	kW	GRT (¹) (²)	kW (²)
Coastal	Netters	IV		49	609					18	471
	Beam trawlers	IV, VII		5 470	18 432					3 594	13 817
	<i>Subtotal</i>			5 519	19 041					3 612	14 288
Community waters	Beam trawlers	IIIa, VII, VIIIa, b		17 027	49 650					16 132	49 699
	Demersal trawlers	IV-VII		3 882	9 758					1 170	3 870
	<i>Subtotal</i>			20 909	59 408					17 302	53 569
Third country and international	Demersal trawlers	Va		661	1 367					0	0
	<i>Subtotal</i>			661	1 367					0	0
	Total A		205	27 089	79 816	21 340	69 242			20 914	67 857
	Specific vessels										
	Total B										

(¹) Pursuant to Article 4 of Regulation (EEC) No 2930/86 tonnage will be measured as gross tonnage for all vessels by 18 July 1994 at the latest.

(²) The Objectives 1996 were fixed independently of the rules established in Decision 92/589/EEC. They take account of the modest size of the Belgian fleet and that a minimum global capacity must be safeguarded to prevent it falling below the threshold for the economic viability of the country's fishing industry. The objectives for each segment were communicated to the Commission by the Belgian authorities on 8 June 1993.

COMMISSION DECISION

of 29 November 1993

suspending the buying-in of butter in certain Member States

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

(93/661/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 2071/92 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by Regulation (EEC) No 1634/91 ⁽⁴⁾, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;Whereas Commission Regulation (EEC) No 1547/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2011/91 ⁽⁶⁾, lays down the criteria on the basis of which the buying-in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region;Whereas Commission Decision 93/581/EC ⁽⁷⁾ suspends buying-in in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, France, Luxembourg, Great Britain and Northern Ireland; whereas the list of Member States where that suspension applies must be adapted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, France, Luxembourg, Great Britain and Northern Ireland.

Article 2

Decision 93/581/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the United Kingdom.

Done at Brussels, 29 November 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 215, 30. 7. 1992, p. 64.
⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.
⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 26.
⁽⁵⁾ OJ No L 144, 4. 6. 1987, p. 12.
⁽⁶⁾ OJ No L 185, 11. 7. 1991, p. 5.
⁽⁷⁾ OJ No L 278, 11. 11. 1993, p. 70.