

Official Journal

of the European Communities

ISSN 0378-6978

L 38

Volume 33

10 February 1990

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 341/90

of 5 February 1990

accepting undertakings and imposing a definitive anti-dumping duty on imports of ferro-silicon originating in Iceland, Norway, Sweden, Venezuela or Yugoslavia, except those sold for export to the Community by companies whose undertakings have been accepted

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 10 thereof,

After consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

- (1) In 1983 Commission Decision 83/93/EEC⁽²⁾ accepted undertakings offered in connection with the anti-dumping proceeding concerning imports of ferro-silicon originating in Iceland, Norway, Sweden, Venezuela or Yugoslavia and terminated the proceeding.
- (2) Following the publication in the *Official Journal of the European Communities* in November 1987⁽³⁾ of a notice of expiry of the measures in force, the Commission was asked in December 1987 by the Comité de Liaison des Industries de Ferro-alliages de la Communauté Économique Européenne, on behalf of producers representing almost all Community production, to review the said measures. The complaint contained evidence

showing that expiry of the measures would result in further injury or threat of injury, and this evidence was deemed sufficient to justify the initiation of an investigation. In a notice published in the *Official Journal of the European Communities*⁽⁴⁾, the Commission accordingly announced a review of the anti-dumping measures in force.

- (3) Because the Commission failed to announce its intention to review the measure before the expiry of the relevant five-year period, an exporter contested the legal basis of the new investigation.

The Commission notes that Article 15 (1) of Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽⁵⁾ does not lay down any particular formalities for it to announce its intention to review a measure before the expiry of the relevant five-year period; on the other hand, Article 15 (2) lays down that when anti-dumping or countervailing duties and undertakings lapse, five years after the date on which they entered into force or were last amended, the Commission must publish a notice to that effect.

Since an interested party provided evidence in December 1987 that the expiry of the measures would result in further injury, the Commission, under Article 15 (2) of Regulation (EEC) No 2176/84, was no longer bound to publish a notice announcing the lapse of the measures then in force; those measures therefore remained in force pending the outcome of the review published in June 1988.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 57, 4. 3. 1983, p. 20.

⁽³⁾ OJ No C 317, 28. 11. 1987, p. 4.

⁽⁴⁾ OJ No C 145, 2. 6. 1988, p. 4.

⁽⁵⁾ OJ No L 201, 30. 7. 1984, p. 1.

Regulation (EEC) No 2423/88 did not enter into force until 5 August 1988, i.e. two months after the publication of the notice of review of this proceeding.

The argument that there is no legal basis is therefore without foundation.

- (4) The product concerned is ferro-silicon containing between 20 % and 96 % of silicon in weight and falling within CN codes 7202 21 10, 7202 21 90 and 7202 29 00.
- (5) The Commission officially advised both the exporters and importers known to be concerned and the complainants and gave the parties concerned an opportunity to make known their views in writing and request a hearing.
- (6) All exporters and Community producers and some importers have made known their views in writing.
- (7) Some exporters, importers and consumers of ferro-silicon in the Community requested and were granted oral hearings.
- (8) Several exporters asked for and were provided with information on the principal facts and considerations which would serve as the basis for recommending the imposition of definitive measures.
- (9) The Commission sought and verified all the information it deemed necessary for the purposes of determining dumping, injury and the threat of injury and carried out inspections at the premises of:

— *Community producers:*

Pechiney Electrometallurgie, France,
 Industria Elettrica Indel, Italy,
 Carbuos Metalicos SA, Spain,
 Uel-Utilizzazioni, Elettro-Industriali, Italy,
 Officine Elettrochimiche Trentine, Italy;

— *Community importers:*

Euroleghe, Italy,
 Metallia, Italy;

— *producers/exporters in non-member countries:*

Elkem A/S, Norway,
 Bjölfossen AS, Norway,
 Salten Verk, Norway,
 Icelandic Alloys, Iceland,
 Fesil KS, Norway,
 Finnfjord Smelteverk, Norway,
 Hafslund Metal AS, Norway,
 Ila og Lilleby Smelteverker, Norway,
 Vargön Alloys, Sweden,
 CVG-Fesilven, Venezuela,

Tovarna Dusika Ruse, Yugoslavia,
 Jugohrom, Yugoslavia,
 Elektrobosna, Yugoslavia.

- (10) The Commission did not carry out inspections on the premises of the following producers in non-member countries:

Bremanger Smelteverk, Norway,
 Thamshavn Smelteverk, Norway.

The entire production of these two companies is exported by Elkem A/S, which in its registered office in Oslo provided the data used by the Commission in its calculations.

- (11) The Commission received and used information from the following importers:
 - Elkem Alloys Ltd, United Kingdom,
 - Elkem Srl, Italy,
 - Elkem GmbH, Germany,
 - Elkem Danmark, Denmark,
 - Elkem France, France,
 - Intalimet, France,
 - Fesil Métaux, France,
 - Fesil Legierungshandel, Germany,
 - SA des Minerais, Luxembourg,
 - Compagnie des Mines et Métaux, Luxembourg.
- (12) The Commission received and used information from the Community producer S. K. Trostberg (Germany).
- (13) The Commission's dumping investigation lasted for 12 months, from June 1987 to May 1988.

B. DUMPING

Norway and Iceland

(a) *Normal value*

- (14) In no case did the volume of sales of a like product on the exporter's domestic market exceed the threshold of 5 % of the volume of exports of the product to the Community, set by the Commission in previous cases. This meant that normal value had to be calculated by other means.
- (15) The Norwegian companies suggested using the prices of exports to third countries. The Commission rejected this suggestion since it could not confirm that exports to markets outside the Community were not also being dumped. Moreover, the period covered by the investigation saw a number of international currency fluctuations, which would have made it even more difficult to choose an export market in a third country appropriate for calculating normal value.

- (16) For those reasons, normal value was constructed on the basis of fixed and variable raw material and manufacturing costs for the standard product exported to the Community, together with the selling costs, administrative expenditure and other general costs. Since two Norwegian companies accounted for exports to the Community of almost all the ferro-silicon produced in Norway and Iceland during the investigation period by several producers linked with one or other of the exporters, the constructed value was based on weighted average costs of materials and manufacture of each group of producers, including general costs, to which were added the operating costs of each of the exporters. Allowance was also made for a reasonable profit margin of 6 %.
- (17) Production costs included the cost of non-reconstitutable waste. In some cases, where producers failed to produce evidence of such costs, their production costs were supplemented by a percentage deemed reasonable in the light of all the financial data verified during the investigation with other producers which did provide such evidence.
- (18) Normal value was reduced by the cost of a by-product of the manufacture of ferro-silicon. In view of the large number of producers concerned and the wide range of market prices fetched by the by-product, the Commission felt it was reasonable to calculate an average production cost for the by-product and to deduct it from the production cost of the main product.
- (19) In view of the fact that a certain amount of the ferro-silicon produced is of inferior quality, the Commission calculated a percentage of the production cost of the main product representing the cost of the materials used in the lower quality product, which it then subtracted from the overall production cost.
- (20) The Commission did not accept the adjustments to production costs requested by several companies in respect of financial revenue from short-term bank investments and/or transferable securities, since such revenue came from financial operations unconnected with the production process. Similarly, the Commission did not consider adjustments for exchange gains or losses, since these were financial operations unconnected with the production

process and clearly had no place in a calculation of normal value.

- (21) The Norwegian exporters contested the Commission's 6 % profit margin, which they considered excessive in view of their high level of debt, enabling them to make a proper return on their capital with a much lower yield. They also pointed out that a profit margin of only 3 % had been applied in the previous investigation. The Commission rejected their argument since both exporters had enjoyed an improvement in profitability during the investigation period.

In these circumstances there were no grounds for considering such a low margin as a sufficient return in a high-debt situation.

(b) Export price

- (22) Export prices were determined on the basis of prices actually paid or payable for the products sold for export to the Community. Where exports were made to subsidiary companies in the Community, export prices were calculated on the basis of the price at which the imported product was first sold to an independent purchaser in the Community, making suitable allowance for all costs borne between importation and resale of the products concerned in the investigation, and for a reasonable profit margin of 3 %, calculated on the basis of the profit margin of independent importers of the product.

(c) Comparison

- (23) In comparing normal value with export prices on a transaction-by-transaction basis, the Commission took account, when appropriate and where sufficient evidence was provided, of differences affecting the comparability of prices; such adjustments were concerned mainly with payment and delivery terms, transport and insurance costs and different forms of presentation and packing.

All comparisons were made at the ex-works stage.

(d) Dumping margins

- (24) Comparison of normal value with the export prices for the period from June 1987 to May 1988 showed that imports from both Norway and Iceland were being dumped, the dumping margin being equal to the difference between the normal value and the export price to the Community.

On the basis of the free-at-Community frontier price, the weighted average margins were as follows:

- for Fesil KS, Oslo (representing the exports of the Norwegian producers Hafslund, Finn fjord and Ila og Lilleby): 7,75 %,
- for Elkem AS (representing the exports of the Norwegian producers Salten Verk, Bjölvefossen, Thamshavn and Bremanger and those of the Icelandic producer Icelandic Alloys): 7,84 %.

Sweden

(a) Normal value

- (25) Normal value was generally calculated by month on the basis of prices charged on the domestic market by the producer Vargön Alloys AB, which exported to the Community and which provided satisfactory evidence.

(b) Export prices

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

(c) Comparison

- (27) The normal value of the product was compared each month on a transaction-by-transaction basis with the export price of the corresponding type of product. The Commission took account, when appropriate and where sufficient evidence was provided, of the differences mentioned above (recital 23).

All comparisons were made at the ex-works stage.

(d) Dumping margins

- (28) Comparison of normal value with the export prices for the period from June 1987 to May 1988 showed that imports from Sweden were being dumped, the dumping margin being equal to the difference between the normal value and the export price to the Community.

On the basis of the free-at-Community frontier price, the weighted average margins for Vargön Alloys was 4,12 %.

Venezuela

(a) Normal value

- (29) Normal value was generally calculated by month on the basis of prices charged to independent customers in normal commercial operations on the domestic market by the producer CVG-Fesilven,

which exported to the Community and which provided satisfactory evidence.

(b) Export prices

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

(c) Comparison

- (31) The normal value of the product was compared for the same months on a transaction-by-transaction basis with the export price of the corresponding type of product. The Commission took account, when appropriate and where sufficient evidence was provided, of the differences mentioned above (recital 23).

All comparisons were made at the ex-works stage.

(d) Dumping margins

- (32) Comparison of normal value with the export prices for the period from June 1987 to May 1988 showed that imports from Venezuela were being dumped, the dumping margin being equal to the difference between the normal value and the export price to the Community.

On the basis of the free-at-Community frontier price, the weighted average margin for CVG-Fesilven was 28,1 %.

Yugoslavia

(a) Normal value

- (33) Since a product comparable to that sold for export to the Community was sold on the domestic market at prices which in ordinary commercial transactions during the reference period could not have covered the full cost of production given any reasonable allocation of such costs, monthly normal value was determined on the basis of the constructed value of the product concerned, including the fixed and variable raw material and manufacturing costs for the standard product exported to the Community plus sales costs, administrative expenditure and other general costs and a reasonable profit margin of 6 %. In the case of one exporter, who failed to supply information essential to the calculation of the constructed value, monthly normal value was determined on the basis of information available from other Yugoslavian producers/exporters.

(b) Export prices

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

(c) Comparison

- (35) The normal value of the product was compared for the same months on a transaction-by-transaction basis with the export price of the corresponding type of product. The Commission took account, when appropriate and where sufficient evidence was provided, of the differences mentioned above (recital 23).

All comparisons were made at the ex-works stage.

(d) Dumping margins

- (36) Comparison of normal value with the export prices for the period from June 1987 to May 1988 showed that imports from Yugoslavia were being dumped, the dumping margin being equal to the difference between the normal value and the export price to the Community.

On the basis of the free-at-Community frontier price, the weighted average margin was:

31,5 % for Jugohrom
37,1 % for Elektrobosna
43,9 % for Tovarna Dusika Ruse

C. INJURY

- (37) The Commission's task was to determine whether the expiry of the measures in force would result in further injury or threat of injury.

I. CURRENT SITUATION**1. Volume and price of imports**

- (38) Exports to the Community originating in the five countries concerned have risen slightly since the anti-dumping measures entered into force, from 250 000 tonnes in 1983 to 289 000 tonnes in 1988.

The aggregate market share of those countries rose from 56 % in 1983 to 59 % in 1988. The absolute volume and market share of imports originating in each of the exporting countries separately, except for Venezuela, also rose slightly.

- (39) The Commission also established that while during the reference period the resale prices of the imports in question were improved by the anti-dumping

measures, many cases were found in which they remained lower than the prices charged by Community producers.

2. Impact on Community industry

The Commission took note of the following information:

(a) Community capacity and production

- (40) Between 1983 and 1988 Community production capacity fell from 370 000 tonnes to 230 000 tonnes; in reducing its capacity, the Community industry specialized to some extent in an attempt to limit its losses in the face of the downward pressure exerted by non-member countries on the price of standard products in the Community.

- (41) Community production remained virtually unchanged, rising from 180 000 tonnes in 1983 to 184 000 tonnes in 1988.

(b) Market share and consumption

- (42) Between 1983 and 1988 the Community industry's market share stabilized around 32 %, while consumption rose from 450 000 tonnes in 1983 to 491 000 tonnes in 1988. The 9 % increase in consumption obviously benefited imports from the countries under investigation.

(c) Prices

- (43) In almost all cases, the resale prices charged for dumped imports during the reference period would not have covered the costs of Community producers and allowed them a reasonable profit; in an attempt to preserve their sales and their market share in the Community, the Community producers were forced to sell their products at ever lower prices until they could not even cover their costs.

(d) Profits

- (44) The financial performance of the Community industry was negative from 1985 to 1987. Only in 1988 did a number of companies make a small profit. This improvement was modest, despite the upturn in the steel industry, which is the main customer for the product concerned, and despite restructuring, which allowed better, though not satisfactory, capacity utilization. Similarly, the current anti-dumping measures curbed companies' losses at a time when prices were falling.

3. Cumulative effect

- (45) In order to establish the impact of dumping on the Community industry, the Commission considered whether or not to examine the cumulative impact of imports originating in the countries under investigation.

It established that the imported products are comparable in terms of physical characteristics and price levels and compete both with one another and with similar Community products.

In view of the above, the Commission concluded that all the imports of ferro-silicon involved should be aggregated. The Council confirms this conclusion.

4. Cause and effect and other factors

- (46) The simultaneous increase in imports originating in the five countries in question, the increase in their market share, the pressure caused by the prices of those imports and the worsening situation in the Community industry despite the restructuring undertaken by the Community producers show that these imports are continuing to cause injury to the Community industry despite the current anti-dumping measures.

- (47) The Commission examined whether other factors could be behind the injury caused to the Community industry, such as imports of products originating in other non-member countries.

It established that the market share of other non-member countries fell from 12 % in 1983 to 9 % in 1988. Moreover, there was no cause to think that these imports were being dumped.

- (48) The Commission accordingly concluded, on the basis of the above, that imports of products from the countries concerned in this proceeding were, by themselves, a cause of major injury to the Community industry concerned, in spite of the current anti-dumping measures. The Council confirms this conclusion.

II. THREAT OF INJURY

- (49) The exporting countries concerned have some 800 000 tonnes of production capacity, a large proportion of the world's total.

Their aggregate production is currently around 700 000 tonnes, while their domestic consumption

is about 100 000 tonnes. This gap leaves very sizeable quantities available for export.

Moreover, in view of the development of new production units or the enlargement of existing units, particularly in Norway and Venezuela, it is realistic to expect an increase in those two countries' exports to the Community, even if, as certain of their exporters have claimed, this capacity is intended to serve the American and Japanese markets. In addition, current production could be stepped up, if so desired, by making greater use of the present facilities.

- (50) As regards the possibility of these countries adopting a more active export policy should the anti-dumping measures expire, it should be borne in mind that the Community is a very attractive market by virtue of its price levels; for most of the exporters concerned it is also a neighbouring market.

- (51) In these circumstances, the Commission concluded that to abolish the anti-dumping measures would lead to further material injury for Community producers. The Council confirms this conclusion.

D. COMMUNITY INTEREST

- (52) The representatives of Community manufacturing industries and of individual companies argued that it would be against the Community's interest to keep the protective measures in force, since they were weakening competitiveness against imports of finished products originating in non-member countries.

- (53) As is the case for any raw material, it is probable that price rises influence the costs of the manufacturing industries. However, no company provided the Commission with convincing evidence of a specific effect of an increase in the price of ferro-silicon on its production costs; nor was evidence supplied of the possible impact of an increase in manufacturers' prices on their total sales. The Commission considers that any impact would be slight, particularly in view of the low percentage of ferro-silicon used in the production of a tonne of steel. Moreover, having heard the representatives of the manufacturing industry, and in view of the fact that current market prices for ferro-silicon are higher than that which would result from the proposed measures (see recital 54), the Commission considers that these measures will not contribute to an actual rise in prices.

Having carefully compared the above arguments and the particularly serious problems faced by the Community ferro-silicon industry which can be attributed to the imports in question, the Commission concluded that it was in the Community's interest to maintain measures against the dumping of ferro-silicon. The Council confirms this conclusion.

E. UNDERTAKINGS

- (54) The representatives of the producers/exporters of Norway, Sweden, Iceland, Yugoslavia and Venezuela (namely Elkem A/S, Bjølvfossen AS, Salten Verk, Fesil KS, Finnfjord Smelteverk, Hafslund Metal AS, Ila og Lilleby Smelteverker, Bremanger Smelteverk and Thamshavn Smelteverk in Norway, Icelandic Alloys in Iceland, Vargön Alloys in Sweden, CVG-Fesilven for Venezuela and Tovarna Dusika Ruse, Jugohrom and Elektrobosna in Yugoslavia) were informed of the results of the investigation and presented their comments. They then offered satisfactory price undertakings to bring the revised prices of ferro-silicon exports to the Community up to a level considered sufficient to eliminate the injury established in the investigation in respect of exports originating in Yugoslavia or Venezuela, where the margin of injury was lower than the dumping margins established, and to eliminate dumping in respect of imports originating in Norway, Iceland and Sweden.

In view of the above, and bearing in mind that the circumstances of this case justify the application of such measures, the undertakings offered by the producers/exporters mentioned above are considered acceptable by the Commission and the investigation can accordingly be terminated without the imposition of anti-dumping duties on imports from the abovementioned producers/exporters originating in the five countries concerned. The Council confirms this conclusion.

F. DUTIES

- (55) In order not to leave any loopholes and to prevent a recurrence of the events which led to the initiation of this review, an anti-dumping duty should be imposed on imports of products sold to the Community by exporters other than those referred to at 5; this duty would apply to all imports of the products concerned originating in Iceland, Norway, Sweden, Venezuela or Yugoslavia sold for export to

the Community by companies other than those whose price undertakings have been accepted.

To facilitate customs clearance the Commission considers that the duty should take the form of an *ad valorem* anti-dumping duty. The Council confirms this conclusion.

- (56) The rates of duty to be imposed in respect of the countries concerned have been determined for Norway, Sweden and Iceland on the basis of the highest dumping margin established, because for these three countries the dumping margin was less than the injury threshold, and for Yugoslavia and Venezuela on the basis of the highest established injury caused by imports originating in those countries as for these countries the injury threshold was less than the dumping margin. The injury threshold was calculated on the basis of the most efficient Community producers plus a reasonable profit margin of 6 %. In no case do these amounts exceed the established dumping margins.

Expressed as a percentage of the net free-at-Community-frontier price of the product before duty, the rates of duty are :

— Sweden	4,1 %,
— Norway	7,8 %,
— Iceland	7,8 %,
— Venezuela	27,1 %,
— Yugoslavia	33,2 %,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferro-silicon falling within CN codes 7202 21 10, 7202 21 90 and 7202 29 00 and originating in Norway, Sweden, Iceland, Yugoslavia or Venezuela.

2. The duty, expressed as a percentage of the net free-at-Community-frontier price of the product before duty, shall be :

— Sweden	4,1 %,
— Norway	7,8 %,
— Iceland	7,8 %,
— Venezuela	27,1 %,
— Yugoslavia	33,2 %.

Free-at-Community-frontier prices shall be net if the conditions of sale provide for payment within 30 days of consignment. They shall be increased or reduced by 1 % for each month's increase or decrease in the period of payment.

3. The duty shall not apply to the products referred to in paragraph 1 produced and/or exported direct to the Community by:

Elkem A/S, Norway,
Bjölvefossen AS, Norway,
Salten Verk, Norway,
Icelandic Alloys, Iceland,
Fesil KS, Norway,
Finnfjord Smelteverk, Norway,
Hafslund Metal AS, Norway,
Thamshavn Smelteverk, Norway,
Ila og Lilleby Smelteverker, Norway,
Eremanger Smelteverk, Norway,
Vargön Alloys, Sweden,

CVG-Fesilven, Venezuela,
Tovarna Dusika Ruse, Yugoslavia,
Jugohrom, Yugoslavia,
Elektrobosna, Yugoslavia

whose price undertakings are accepted.

4. The investigation in connection with the anti-dumping proceeding concerning the companies referred to in paragraph 3 is hereby terminated.

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

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, 5 February 1990.

For the Council

The President

G. COLLINS

COUNCIL REGULATION (EEC) No 342/90

of 5 February 1990

extending the provisional anti-dumping duty on imports of welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania

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, by Regulation (EEC) No 3074/89⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania;

Whereas the examination of the facts has not yet been completed and the Commission has informed the Yugoslav and Romanian exporters concerned of its intention to propose an extension of the period of validity of the provisional duty for a further period not exceeding

two months; whereas exporters cooperating in this proceeding did not object,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duty on imports of welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania, imposed by Regulation (EEC) No 3074/89 is hereby extended for a period not exceeding two months.

Without prejudice to Article 11 of Regulation (EEC) No 2423/88 and to any other decision taken by the Council, the aforesaid duty shall apply until the entry into force of an act of the Council adopting definitive measures.

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, 5 February 1990.

For the Council

The President

G. COLLINS

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 294, 13. 10. 1989, p. 10.

COMMISSION REGULATION (EEC) No 343/90

of 9 February 1990

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 201/90⁽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 1636/87⁽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 1915/89⁽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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 8 February 1990;

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 1915/89 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 10 February 1990.

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

Done at Brussels, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 9 February 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	34,06	136,38 ⁽²⁾ ⁽³⁾
0712 90 19	34,06	136,38 ⁽²⁾ ⁽³⁾
1001 10 10	41,81	183,27 ⁽¹⁾ ⁽²⁾
1001 10 90	41,81	183,27 ⁽¹⁾ ⁽²⁾
1001 90 91	34,84	142,14
1001 90 99	34,84	142,14
1002 00 00	59,97	129,68 ⁽⁶⁾
1003 00 10	51,14	116,09
1003 00 90	51,14	116,09
1004 00 10	42,54	123,92
1004 00 90	42,54	123,92
1005 10 90	34,06	136,38 ⁽²⁾ ⁽³⁾
1005 90 00	34,06	136,38 ⁽²⁾ ⁽³⁾
1007 00 90	51,14	142,27 ⁽⁴⁾
1008 10 00	51,14	30,69
1008 20 00	51,14	84,56 ⁽⁴⁾
1008 30 00	51,14	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	51,14	0,00
1101 00 00	62,80	213,02
1102 10 00	97,98	194,61
1103 11 10	79,49	297,20
1103 11 90	66,72	228,96

⁽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 486/85 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 reduced by 50 %.

⁽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).

COMMISSION REGULATION (EEC) No 344/90

of 9 February 1990

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 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 201/90⁽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 1636/87⁽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 1916/89⁽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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 8 February 1990;

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

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 Portugal shall be zero.

2. 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 10 February 1990.

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

Done at Brussels, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 9 February 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	3,95
1001 10 90	0	0	0	3,95
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	4,30
1003 00 90	0	0	0	4,30
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	7,65	7,65
1107 10 99	0	0	0	5,72	5,72
1107 20 00	0	0	0	6,67	6,67

COMMISSION REGULATION (EEC) No 345/90
of 9 February 1990
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 amended by Regulation (EEC) No 1546/87⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2637/89⁽⁵⁾, as last amended by Regulation (EEC) No 298/90⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2637/89 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 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 12 February 1990.

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

Done at Brussels, 9 February 1990.

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 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 255, 1. 9. 1989, p. 8.

⁽⁶⁾ OJ No L 32, 3. 2. 1990, p. 5.

ANNEX

to the Commission Regulation of 9 February 1990 fixing the import levies on rice and broken rice

(ECU / tonne)

CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (¹) (²) (³)	Third countries (except ACP or OCT) (³)
1006 10 21	—	—	150,98	309,17
1006 10 23	—	217,93	141,68	290,57
1006 10 25	—	217,93	141,68	290,57
1006 10 27	—	217,93	141,68	290,57
1006 10 92	—	—	150,98	309,17
1006 10 94	—	217,93	141,68	290,57
1006 10 96	—	217,93	141,68	290,57
1006 10 98	—	217,93	141,68	290,57
1006 20 11	—	—	189,63	386,46
1006 20 13	—	272,41	178,00	363,21
1006 20 15	—	272,41	178,00	363,21
1006 20 17	—	272,41	178,00	363,21
1006 20 92	—	—	189,63	386,46
1006 20 94	—	272,41	178,00	363,21
1006 20 96	—	272,41	178,00	363,21
1006 20 98	—	272,41	178,00	363,21
1006 30 21	13,05	—	243,83	511,51
1006 30 23	12,97	439,16	280,89	585,55
1006 30 25	12,97	439,16	280,89	585,55
1006 30 27	12,97	439,16	280,89	585,55
1006 30 42	13,05	—	243,83	511,51
1006 30 44	12,97	439,16	280,89	585,55
1006 30 46	12,97	439,16	280,89	585,55
1006 30 48	12,97	439,16	280,89	585,55
1006 30 61	13,90	—	260,03	544,76
1006 30 63	13,90	470,78	301,50	627,71
1006 30 65	13,90	470,78	301,50	627,71
1006 30 67	13,90	470,78	301,50	627,71
1006 30 92	13,90	—	260,03	544,76
1006 30 94	13,90	470,78	301,50	627,71
1006 30 96	13,90	470,78	301,50	627,71
1006 30 98	13,90	470,78	301,50	627,71
1006 40 00	2,17	—	85,70	177,40

(¹) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

(²) In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

NB: The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25).

COMMISSION REGULATION (EEC) No 346/90**of 9 February 1990****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 2638/89⁽³⁾, as last amended by Regulation (EEC) No 299/90⁽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

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. 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 12 February 1990.

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

Done at Brussels, 9 February 1990.

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 255, 1. 9. 1989, p. 11.

⁽⁴⁾ OJ No L 32, 3. 2. 1990, p. 7.

ANNEX

to the Commission Regulation of 9 February 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
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 347/90

of 9 February 1990

on the supply of various lots of skimmed-milk powder as 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 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to the World Food Programme 800 tonnes of skimmed-milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION: ---

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 762/89 — Commission Decision of 30. 8. 1989
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome, telex 626675 I WFP
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Lebanon
6. **Product to be mobilized**: skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.1 and I.1.A.2)
8. **Total quantity**: 800 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 25 kilograms and OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.3)
Supplementary marking on packaging:
'ACTION N° 762/89 / LIBAN 04234400 / LAIT ÉCRÉMÉ EN POUDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DU PROGRAMME ALIMENTAIRE MONDIAL / BEYROUTH'
and OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.4)
11. **Method of mobilization**: the Community market.
The manufacture of the skimmed-milk powder must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: Ravenna
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 17 to 30. 4. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁶⁾: 26. 2. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 12. 3. 1990, at 12 noon
(b) period for making the goods available at the port of shipment: 17 to 30. 4. 1990
(c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels,
(telex AGREC 22037 B or 25670 B)
25. **Refund payable on request by the successful tenderer** ⁽⁷⁾: refund applicable on 26. 1. 1990, fixed by Commission Regulation (EEC) No 176/90 (OJ No L 21, 26. 1. 1990, p. 8)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) At the request of the recipient the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation in the Member State concerned, have not been exceeded.
 - (³) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - by porter at the office referred to in point 24 of the Annex, or
 - by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
 - (⁶) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
 - (⁷) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
-

COMMISSION REGULATION (EEC) No 348/90
of 9 February 1990
on the supply of various lots of butteroil as 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 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1750/89⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to the World Food Programme 200 tonnes of butteroil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community as Community food aid, for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

LOT A

1. **Operation No** (1): 763/89 — Commission Decision of 30. 8. 1989
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome, telex: 626675 I WFP
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Lebanon
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** (3) (4) (7): see OJ No C 216, 14. 8. 1987, p. 7 (under I.3.1 to I.2.2)
8. **Total quantity**: 200 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 5 kilograms and OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)
Supplementary markings on the packaging:
'ACTION N° 763/89 / LIBAN 0423400 / BUTTEROIL / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DU PROGRAMME ALIMENTAIRE MONDIAL / BEYROUTH'
and OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: Ravenna
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 17. to 30. 4. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (5): 26. 2. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 3. 1990 at 12 noon
 - (b) period for making the goods available at the port of shipment: 17 to 30. 4. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels
(telex AGREC 22037 B or 25670 B)
25. **Refund payable on application by the successful tenderer** (6): refund applicable on 12. 1. 1990, fixed by Commission Regulation (EEC) No 69/90 (OJ No L 10, 12. 1. 1990, p. 8)

Notes :

- (1) The operation number is to be quoted in all correspondence.
 - (2) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation in the Member State concerned, have not been exceeded.
 - (3) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - by porter at the office referred to in point 24 of the Annex, or
 - by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annex.
 - (6) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
 - (7) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
-

COMMISSION REGULATION (EEC) No 349/90
of 9 February 1990
on the supply of cheese of the feta type to the World Food Programme (WFP) as
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 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾, lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decision of 30 August 1989 on the supply of food aid to the WFP, the Commission allocated to that organization cheese of the feta type to the value of ECU 750 000 to be supplied free at port of shipment;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of cheese of the feta type to the WFP in accordance with the provisions of Regulation (EEC) No 2200/87, and in particular Article 7 (3) (h) thereof, and with the conditions laid down in the Annex hereto.

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, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

LOT A

1. **Operation No** (1): 764/89 — Commission Decision of 30. 8. 1989
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome, telex 626675 I WFP
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Lebanon
6. **Product to be mobilized**: cheese of the feta type
7. **Characteristics and quality of the goods**: (2) (6) (7) (8)
8. **Total quantity**: maximum quantity for a total amount of ECU 750 000
9. **Number of lots**: one
10. **Packaging and marking** (9): 500 grams (in 10-kilogram cartons)
Supplementary markings on the cartons, in letters at least 2 cm high:
'ACTION N° 764/89 / LIBAN 0423900 / FROMAGE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DU PROGRAMME ALIMENTAIRE MONDIAL / BEYROUTH'
and OJ No C 216, 14. 8. 1987, p. 8 (I.3.4)
11. **Method of mobilization**: Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: Ravenna
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 17 — 30. 4. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of a second invitation to tender, date of expiry of the period allowed for submission of tenders** (1): 12 noon on 26. 2. 1990
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 12. 3. 1990
 - (b) period for making the goods available at the port of shipment: 17 — 30. 4. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 7 500
23. **Amount of the delivery security**: ECU 75 000
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Brussels; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (1): refund applicable on 12. 1. 1990 fixed by Commission Regulation (EEC) No 69/90 (OJ No L 10, 12. 1. 1990, p. 8)
In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the refund is granted on the net weight, the weight of the liquid being deducted.

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (³) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - by porter at the office referred to in point 24 of the Annex, or
 - by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annex.
 - (⁶) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
 - (⁷) The successful tenderer shall give the beneficiaries' representative a certificate of origin at the time of delivery.
 - (⁸) Cheese of the feta type manufactured exclusively from cow's milk with a water content not exceeding 72 % by weight of the non-fatty matter and a fat content not less than 45 % but less than 48 % by weight of the dry matter.
 - (⁹) The cheese must be put up in metal tins of a net content of 500 grams. The tins must be packed in 10 kilogram cartons.

The tins must not be harmful to human health or cause a change in the colour, taste or odour of their contents. Once sealed, the containers must be absolutely leakproof. The tins must be strong enough and well enough packed to withstand a long journey and testing conditions.
-

COMMISSION REGULATION (EEC) No 350/90**of 9 February 1990****opening a standing invitation to tender for the export of 67 000 tonnes of durum wheat held by the Italian intervention agency**

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 201/90 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾, as amended by Regulation (EEC) No 195/89 ⁽⁴⁾, provides that cereals held by the intervention agencies shall be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 5 February 1990, Italy notified the Commission that it wished to put up for sale for export to third countries 67 000 tonnes of durum wheat held by its intervention agency; whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 67 000 tonnes of durum wheat held by it.

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

Done at Brussels, 9 February 1990.

Article 2

1. The invitation to tender shall cover a maximum of 67 000 tonnes of durum wheat to be exported to all third countries.

2. The regions in which the 67 000 tonnes of durum wheat are stored are listed in Annex I hereto.

Article 3

The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 1836/82, until the end of the third month following.

Article 4

1. By way of derogation from Article 7 (1) of Regulation (EEC) No 1836/82, the time limit for submission of tenders under the first partial invitation to tender shall expire on 21 February 1990 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the last partial invitation to tender shall expire on 4 April 1990 at 1 p.m. (Brussels time).

3. The tenders shall be lodged with the Italian intervention agency.

Article 5

The Italian intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II hereto.

Article 6

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 223, 11. 8. 1987, p. 5.

ANNEX I

(tonnes)	
Place of storage	Quantity
Bologna	100
Firenze	100
Foggia	295
Bari	12 462
Matera	5 000
Potenza	19 740
Messina	392
Palermo	6 444
Trapani	3 223
Caltanissetta	17 477
Siracusa	1 000
	66 233

ANNEX II

Standing invitation to tender for the export of 67 000 tonnes of durum wheat held by the Italian intervention agency

(Regulation (EEC) No 350/90)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (1)	Price increases (+) or reductions (—) (ECU/tonne)	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

COMMISSION REGULATION (EEC) No 351/90**of 9 February 1990****suspending the standing invitation to tender for durum wheat for export in the form of meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

*Article 1*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 201/90 ⁽²⁾, and in particular Article 16 (6) thereof,

The tender under Regulation (EEC) No 2406/89 is hereby suspended.

Whereas it is convenient to suspend the tender under Commission Regulation (EEC) No 2406/89 ⁽³⁾, as last amended by Regulation (EEC) No 3865/89 ⁽⁴⁾;*Article 2*

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

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, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.⁽³⁾ OJ No L 227, 4. 8. 1989, p. 49.⁽⁴⁾ OJ No L 374, 22. 12. 1989, p. 46.

COMMISSION REGULATION (EEC) No 352/90

of 9 February 1990

on the supply of preserved mackerel to the World Food Programme (WFP) as
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 3972/86
of 22 December 1986 on food-aid policy and food-aid
management ⁽¹⁾, as last amended by Regulation (EEC) No
1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21
May 1987 laying down implementing rules for Regulation
(EEC) No 3972/86 on food-aid policy and food-aid man-
agement ⁽³⁾, lays down the list of countries and organiza-
tions eligible for food-aid operations and specifies the
general criteria on the transport of food aid beyond the
fob stage;

Whereas, by its Decision of 30 August 1989 on the
supply of food aid to the WFP, the Commission allocated
to that organization preserved mackerel to the value of
ECU 750 000 to be supplied free at port of shipment;

Whereas it is necessary to provide for the carrying-out of
this measure in accordance with the rules laid down by
Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in
the Community of products to be supplied as Community
food aid ⁽⁴⁾; whereas it is necessary to specify the time
limits and conditions of supply and the procedure to be
followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of
a contract for the supply of preserved mackerel to the
WFP in accordance with the provisions of Regulation
(EEC) No 2200/87, and in particular Article 7 (3) (h)
thereof, and with the conditions laid down in the Annex
hereto.

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, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No (1):** 778/89 — Commission Decision of 30.8.1989
2. **Programme:** 1988
3. **Recipient:** World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome; telex 626675 WFP 1
4. **Representative of the recipient (2):** see OJ No C 103, 16. 4. 1987
5. **Place or country of destination:** Lebanon
6. **Product to be mobilized:** preserved mackerel
7. **Characteristics and quality of the goods (3) (4) (5) (6) (7):** preserved mackerel in vegetable oil (CN code 1604 15 10)
8. **Total quantity:** maximum possible quantity, net and drained weight, for a total amount of ECU 750 000
9. **Number of lots:** two Lot A: ECU 400 000;
Lot B: ECU 350 000;
10. **Packaging and marking:** metal cans of a net capacity of 120 grams to 125 grams equivalent to 85 to 95 grams of drained fish. the cans must be packed in 10 kilogram cartons containing approximately 50 cans,
Marking on 50 cartons (at least 5 cm high):
'ACTION N° 778/89 / LIBAN 0423800 / POISSON / DON DE LA COMMUNAUTE ECONOMIQUE EUROPEENNE / ACTION DU PROGRAMME ALIMENTAIRE MONDIAL / BEIRUT'
11. **Method of mobilization:** Community market (goods conforming to Council Regulation (EEC) No 802/68, OJ No L 148, 28. 6. 1968
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** Ravenna
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 17 — 30. 4. 1990
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders:** 27. 2. 1990 at 12 noon
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 13. 3. 1990 at 12 noon
 - (b) period for making the goods available at the port of shipment: 17 — 30. 4. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security:** Lot A: ECU 4 000; Lot B: ECU 3 500
23. **Amount of the delivery security:** Lot A: ECU 40 000; Lot B: ECU 35 000
24. **Address for submission of tenders (8):** Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Brussels; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer:** — The compensatory amount applicable in Spain is that of 7. 2. 1990 as fixed by Commission Regulation (EEC) No 262/90 (OJ No L 30, 1. 2. 1990, p. 18)

Notes :

- (1) The operation number is to be quoted in all correspondence.
 - (2) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 levels.
 - (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of the Annex.
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
 - (5) The successful tenderer shall give the beneficiaries' representatives a health certificate at the time of delivery.
 - (6) The successful tenderer shall give the beneficiaries' representatives a certificate of origin at the time of delivery.
 - (7) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
-

COMMISSION REGULATION (EEC) No 353/90

of 9 February 1990

on the conclusion of processing contracts for oranges in Spain and in Portugal
in respect of 1989/90 marketing year production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2601/69
of 18 December 1969 laying down special measures to
encourage the processing of mandarins, satsumas, clemen-
tines and oranges ⁽¹⁾, as last amended by Regulation (EEC)
No 3848/89 ⁽²⁾, and in particular Article 3 (2) thereof,

Whereas Article 7 (1) of Commission Regulation (EEC)
No 1562/85 of 7 June 1985 laying down detailed rules for
the application of measures to encourage the processing
of certain citrus fruit and the marketing of products
processed from lemons ⁽³⁾, as last amended by Regulation
(EEC) No 2987/89 ⁽⁴⁾, stipulates that industrial processing
contacts for oranges are to be concluded before 15
February;

Whereas in Spain and Portugal, due to exceptional meteoro-
logical conditions, producers and processors have been
able to conclude contracts for small quantities of oranges
only; whereas the Spanish and Portuguese authorities
should, as they have requested be authorized to set a later

date for the conclusion of processing contracts for oranges
for which financial compensation is granted under
Council Regulation (EEC) No 2601/69.

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 1989/90 marketing year Spain and Portugal are
authorized to set 30 April 1990 as the final date for the
conclusion of processing contracts for oranges for which
financial compensation is granted under Regulation (EEC)
No 2601/69.

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, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 6.

⁽³⁾ OJ No L 152, 11. 6. 1985, p. 5.

⁽⁴⁾ OJ No L 286, 4. 10. 1989, p. 10.

COMMISSION REGULATION (EEC) No 354/90

of 9 February 1990

amending Regulation (EEC) No 3665/87 as regards proof of arrival at destination
in third countries of agricultural products qualifying for a variable refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the relevant management committees have not
delivered opinions within the time limits set by their
chairmen,

Having regard to the Treaty establishing the European
Economic Community,

HAS ADOPTED THIS REGULATION :

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 201/90⁽²⁾, and in particular Article 16 (6) thereof, and
to the corresponding provisions of the other regulations
on the common organization of the markets in agricul-
tural products,

Having regard to Council Regulation (EEC) No 2746/75
of 29 October 1975 laying down general rules for granting
export refunds on cereals and criteria for fixing the
amount of such refunds⁽³⁾, and in particular the second
subparagraph of Article 8 (2) and (3) thereof, and to the
corresponding provisions of the other regulations laying
down general rules on the granting of export refunds on
agricultural products,

Whereas Commission Regulation (EEC) No 137/90⁽⁴⁾ last
amended Commission Regulation (EEC) No 3665/87 of
27 November 1987 laying down common detailed rules
for the application of the system of export refunds on
agricultural products⁽⁵⁾ as regards proof of arrival at desti-
nation in third countries ; whereas that measure, which no
longer requires certain proof, was the subject of a negative
opinion in the relevant management committees and
subsequently, in accordance with the procedure laid down
for such cases, of an exchange of views in the Council ;

Whereas, in the light of those discussions in the Council,
Regulation (EEC) No 137/90 should be replaced by a new
text stipulating the circumstances in which recourse may
be had to the proof of arrival referred to in Article 18 (2)
of Regulation (EEC) No 3665/87 and putting back the
date of application of the measures in question ;

Article 1

Regulation (EEC) No 3665/87 is hereby amended as
follows :

1. in Article 18 :

(a) paragraph 1 is replaced by the following :

'1. Proof that the product has been cleared
through customs for release for consumption shall
be furnished by production of the customs docu-
ment or a copy or photocopy thereof ; such copy or
photocopy must be certified as being a true copy
by either the body which endorsed the original
document, an official agency of the third country
concerned or an official agency of a Member
State.' ;

(b) the introductory part of paragraph 2 is replaced by
the following :

'If the exporter cannot obtain the document
referred to in paragraph 1 after taking the appro-
priate steps or if there are doubts as to the authen-
ticity of the document furnished, proof that the
product has been cleared through customs for
release for consumption may be deemed to have
been furnished by the production of one or more
of the following documents :'

2. Annex II is hereby deleted.

Article 2

Regulation (EEC) No 137/90 is hereby repealed.

Article 3

This Regulation shall enter into force on 10 February
1990.

It shall apply to transactions the export declaration for
which is accepted as from 1 May 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 16, 20. 1. 1990, p. 9.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

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

Done at Brussels, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 355/90

of 9 February 1990

fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such products;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds⁽³⁾, account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, of prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices on the Community market are being determined, of the ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas the export refunds for these products were last fixed by Commission Regulation (EEC) No 2269/89⁽⁴⁾;

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas, in such cases, the refunds for added sugars should apply;

Whereas application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in the Annex hereto.
2. Where no refund is fixed for a product listed in the Annex, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

Article 2

Regulation (EEC) No 2269/89 is hereby repealed.

Article 3

This Regulation shall enter into force on 10 February 1990.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

⁽⁴⁾ OJ No L 216, 27. 7. 1989, p. 61.

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

Done at Brussels, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 9 February 1990 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

(ECU/100 kg net)		
Product code	Destination of the exports (*)	Refund (1)
0806 20 12 000	01	25,00
0806 20 92 000	01	25,00
0812 10 00 100	02	13,30
2006 00 31 000	02	30,22
2006 00 90 100	02	30,22
2008 19 10 100		21,80
2008 19 90 100		21,80
2009 11 99 110		2,10
2009 19 99 110		2,10
2009 11 99 120		4,20
2009 19 99 120		4,20
2009 11 99 130		6,30
2009 19 99 130		6,30
2009 11 99 140		8,40
2009 19 99 140		8,40
2009 11 99 150		10,50
2009 19 99 150		10,50

(*) For the following destinations:

- 01 Countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 All destinations except North America.

(1) Amounts shown shall apply to products obtained from fruit harvested within the Community.

COMMISSION REGULATION (EEC) No 356/90**of 9 February 1990****adopting interim protective measures in regard to applications for STM licences
for milk and milk products lodged between 1 and 5 February 1990**

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 (1) thereof,

Whereas Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten ⁽¹⁾, as last amended by Regulation (EEC) No 280/90 ⁽²⁾, fixes the indicative ceilings for milk sector products for 1990 and splits these up into monthly ceilings;

Whereas applications for STM licences for butter and cheese lodged between 1 and 5 February 1990 are for quantities higher not only than that part of the ceiling allotted for that period but even higher for many of the products than the entire indicative ceiling set for 1990;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the indicative ceiling will be attained or

exceeded; whereas the further issuing of licences for the products in question should therefore be suspended; whereas this measures will automatically entail a rejection of applications pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences for milk products falling within by CN codes 0405 and ex 0406 as referred to in Regulation (EEC) No 606/86 lodged between 1 and 5 February 1990 and notified to the Commission are hereby rejected.

2. The issuing of STM licences for the products covered by the abovementioned CN codes is hereby provisionally suspended.

Article 2

This Regulation shall enter into force on 10 February 1990.

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

Done at Brussels, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 30, 1. 2. 1990, p. 63.

COMMISSION REGULATION (EEC) No 357/90**of 9 February 1990****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3891/89 of 11 December 1989 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1990) (1), and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3948/89 of 20 December 1989 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EEC) No 3891/89 and (EEC) No 3892/89 in the beef and veal sector (2) provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 252/90 (4);

Whereas Article 1 (1) (d) of Regulation (EEC) No 3948/89 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the

United States of America and Canada which may be imported on special terms in 1990 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1st until 5th February 1990 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3948/89 shall be met in full.

2. Applications for licences may be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first five days of March 1990 for 2 258 tonnes.

Article 2

This Regulation shall enter into force on 11 February 1990.

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

Done at Brussels, 9 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 378, 27. 12. 1989, p. 19.

(2) OJ No L 379, 28. 12. 1989, p. 32.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 27, 31. 1. 1990, p. 34.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 December 1989

setting up a Consumers' Consultative Council

(90/55/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas the constant improvement of the living and working conditions as well as the harmonious development of the economies constitute objectives of the European Economic Community;

Whereas since the conference of Heads of State and Government in Paris in October 1972, the Community has gradually established a consumer protection policy;

Whereas as part of the process of achieving its objectives, the Commission set up, by Decision 73/306/EEC⁽¹⁾, as last amended by Decision 80/1087/EEC⁽²⁾, a Consumers' Consultative Committee in order to maintain close and continuous contacts with consumer organizations at Community level;

Whereas the subsequent development of the Community and its enlargement call for a redefinition of this consultative body;

Whereas, in particular, Article 100a (3) of the Treaty stipulates that proposals concerning consumer protection made with a view to the completion of the internal market must take as a base a high level of protection;

Whereas a growing number of Community policies have an impact on consumers; whereas steps should be taken to ensure that consumer policy is integrated into other

common policies, as the Council stressed in its resolutions of 15 December 1986⁽³⁾ and 9 November 1989⁽⁴⁾;

Whereas a Consumers' Consultative Council should be set up whose tasks and representativeness reflect these changed circumstances;

Whereas this Council should be accorded a statute which is based on experience gained,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Commission hereby establishes a Consumers' Consultative Council, hereafter called the 'Council', which shall act as a consultative committee.

2. The Council shall be composed of representatives of European consumer organizations as well as of national organizations, institutions and individuals, specially qualified in consumer affairs.

Article 2

1. The Council may be consulted by the Commission on all problems relating to the protection of consumer interests. Its task shall be to advise the Commission on all problems relating to the respect of consumer interests at Community level, and in particular the implementation of policy and measures relating to consumer protection and information.

2. The Council shall give its opinions at the request of the Commission or, under the procedure provided for in Article 11 (1), on its own initiative.

⁽¹⁾ OJ No L 283, 10. 10. 1973, p. 18.

⁽²⁾ OJ No L 320, 27. 11. 1980, p. 33.

⁽³⁾ OJ No C 3, 7. 1. 1987, p. 1.

⁽⁴⁾ OJ No C 294, 22. 11. 1989, p. 1.

3. The Council may be consulted on the appointment of consumer representatives to consultative committees set up within the Commission.

Article 3

The Council shall be composed of 39 members. The seats shall be attributed as follows:

- (a) to representatives of European consumer organizations, a total of 16 using the method of distribution and selection described in Annex I;
- (b) to representatives of national organizations and institutions specially qualified in consumer affairs, a total of 17 using the method of distribution and selection described in Annex II;
- (c) to individuals specially qualified in consumer affairs, a total of six selected by the Commission on the basis of their ability in terms of defending consumer interests, whether at a general level or in specific areas or from specific aspects.

Article 4

1. The members of the Council shall be appointed by the Commission.
2. An equal number of alternates shall be appointed under the same conditions as the full members.

Notwithstanding Article 10, the alternate shall automatically replace a full member who is absent or indisposed.

Article 5

1. The term of office of members of the Council shall be three years and shall be renewable once.
2. At the end of the three year period, the members of the Council shall remain in office until a replacement is provided or their term of office is renewed.

The term of office of a member shall lapse before the end of the three year period in the event of his retirement or on the termination of his membership of the organization or institution which he represents, or on his death. The term of office of a member may also be terminated where the organization which nominated him requests his replacement. The member shall be replaced for the remainder of the term of office in accordance with the procedure laid down in Article 3.

3. Membership shall not confer entitlement to payment.

Article 6

The Commission shall publish the list of full members and alternates in the *Official Journal of the European Communities*.

Article 7

1. The Council shall elect a Chairman and three Vice-Chairmen, who shall hold office for a period of 18 months, renewable once. The election shall be by a majority of two-thirds of the members.

2. The Steering Committee shall consist of the Chairman and Vice-Chairmen and up to eight other members elected by the Council by the majority provided for in paragraph 1.

3. Notwithstanding Article 9, the Steering Committee shall prepare and organize the work of the Council.

4. The Council may set up working parties.

Article 8

1. The Council shall meet at the seat of the Commission which shall convene meetings at least twice a year and, in addition, at the request of two-thirds of the members.

2. In urgent cases, the Council may, on its own initiative or at the request of the Commission, adopt opinions by a written procedure the details of which will be laid down in the rules of procedure of the Council.

3. Representatives of the relevant departments of the Commission shall take part in the meetings of the Council, the steering committee and its working parties.

Article 9

The Commission shall provide secretarial services for the Council, the Steering Committee and the working parties.

It shall draw up the agenda for the meetings, convene the members and provide them with documentation.

Article 10

1. The Council may request the attendance, as an expert, of any person who is specially qualified in a particular subject on the agenda.

The experts shall be present only for the discussion of the particular subjects for which their attendance has been requested.

2. The Council may request the attendance, as observers, of representatives of professional organizations particularly interested in a subject on the agenda.

Observers shall be present only for the discussion of the particular subject for which their attendance has been requested.

3. The Commission may invite persons who are specially qualified in consumer affairs to take part in the work of the Council under the conditions laid down in paragraph 1.

Article 11

1. The preparation of opinions by the Council on its own initiative shall be decided by a majority of two-thirds of the members present.

2. Subject to the application of the procedure described in Article 8 (2), the adoption of opinions by the Council shall require the presence of two-thirds of its members.

3. Conflicting opinions may be attached to the opinions of the Council in so far as they are supported by at least one-third of the members present.

Article 12

In requesting an opinion from the Council, the Commission may fix a deadline by which the opinion has to be given.

Article 13

Without prejudice to Article 214 of the Treaty, the members of the Council are required not to divulge information obtained from their work in the Council, Steering Committee or working parties, when the Commission

informs them that the opinion requested or question raised is of a confidential nature. In such cases, only members of the Council and representatives of the Commission shall take part in the meetings.

Article 14

Decision 73/306/EEC is hereby repealed.

Article 15

This Decision shall take effect on 1 January 1990.

Done at Brussels, 17 December 1989.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX I

- (a) The following organizations shall each propose a list of at least 16 persons, with an equal number of full members and alternates, from which the Commission shall select four full members and four alternates :
- European Office of Consumer Unions (BEUC),
 - Committee of Family Organizations in the European Communities (COFACE),
 - European Community of Consumer Cooperatives (EURO-COOP),
 - European Trade Union Confederation (ETUC).
- (b) Where necessary, the Commission may recognize other organizations representing consumers to take account of developments within the Community.

ANNEX II

Method of distribution and selection of members of national organizations and institutions of a general nature

- (a) Seats attributed to members of organizations and institutions referred to in Article 3 shall be broken down by nationality as follows :

Belgium :	1	Luxembourg :	1
Denmark :	1	Ireland :	1
Federal Republic of Germany :	2	Italy :	2
Greece :	1	Netherlands :	2
Spain :	2	Portugal :	1
France :	2	United Kingdom :	2.

- (b) The national bodies coordinating consumer associations shall each propose to the Commission a list of at least twice as many persons as full and alternate seats to be filled, with an equal number of full and alternate members, from which the Commission shall select the full member(s) or alternate(s). In those Member States where such bodies do not exist, the Commission shall appoint members from the consumer organizations and other institutions, bodies, research institutes, etc., whether or not they are represented in European organizations which are concerned, in a general way, with the protection of consumer interests at national level.

Consumer organizations must meet certain criteria regarding representativeness, particularly their actual work in defence of consumer interests, independence from business circles, the relevance of their work in terms of public interest and/or the number of members.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 165/90 of 23 January 1990 imposing a provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan, accepting undertakings offered by certain exporters in connection with the anti-dumping proceeding concerning imports of these products and terminating the investigation in their respect

(Official Journal of the European Communities No L 20 of 25 January 1990)

Page 5, second recital, last sentence:

for: '... 1989, ... ex 8542 11 71,'

read: '... 1990, ... 8542 11 41, 8542 11 43 and 8542 11 45.'

Page 6, 15th recital:

for: '... code ex 8542 11 71;',

read: '... codes 8542 11 41, 8542 11 43 and 8542 11 45,'.

Page 26, Article 1 (1):

for: '... ex 8542 11 71 ...',

read: '... 8542 11 41, 8542 11 43, 8542 11 45 ...';

Article 2:

for: '... ex 8542 11 71 ...',

read: '... 8542 11 42, 8542 11 43, 8542 11 45 ...'.

Page 29, Annex II:

The section relating to CN code ex 8542 11 71 is deleted completely.

for: 'Other: %',

read: 'Other: 60 %'.
