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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 135/91

of 21 January 1991

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3844/90⁽⁵⁾ and subsequent amending Regulations;

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

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

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 18 January 1991;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3844/90 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 22 January 1991.

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

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 13.

ANNEX

to the Commission Regulation of 21 January 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	(ECU/tonne)	
	Levies	
	Third country	
0709 90 60	139,90 ⁽²⁾ ⁽³⁾	
0712 90 19	139,90 ⁽²⁾ ⁽³⁾	
1001 10 10	197,99 ⁽¹⁾ ⁽²⁾	
1001 10 90	197,99 ⁽¹⁾ ⁽²⁾	
1001 90 91	190,70	
1001 90 99	190,70	
1002 00 00	156,55 ⁽⁴⁾	
1003 00 10	148,80	
1003 00 90	148,80	
1004 00 10	146,25	
1004 00 90	146,25	
1005 10 90	139,90 ⁽²⁾ ⁽³⁾	
1005 90 00	139,90 ⁽²⁾ ⁽³⁾	
1007 00 90	148,88 ⁽¹⁾	
1008 10 00	62,78	
1008 20 00	123,92 ⁽¹⁾	
1008 30 00	72,06 ⁽²⁾	
1008 90 10	⁽¹⁾	
1008 90 90	72,06	
1101 00 00	281,00 ⁽⁴⁾	
1102 10 00	232,90 ⁽⁴⁾	
1103 11 10	320,27 ⁽⁴⁾	
1103 11 90	302,39 ⁽⁴⁾	

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 136/91

of 21 January 1991

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 18 January 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 January 1991.

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

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 21 January 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,27	3,20	3,19
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

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

COMMISSION REGULATION (EEC) No 137/91

of 21 January 1991

fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3920/90⁽²⁾, and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges and apples of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the factor referred to in the preceding indent;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 5 (1) (b) of 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⁽⁷⁾, as last amended by Regulation (EEC) No 1615/90⁽⁸⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 19 (1) (c) of Regulation (EEC) No 3665/87 may be applied;

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively;

Whereas where Spain and, from the beginning of the second stage of transition on 1 January 1990, Portugal are concerned when refunds are fixed, account is to be taken for each product in accordance with Articles 87 and 255 of the Act of Accession, of economically justified price differences;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 152, 16. 6. 1990, p. 33.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in column I of the Annex hereto. However, the refunds applicable on products harvested on the one part

in Spain and on the other part in Portugal shall be those given in columns II and III of the Annex.

2. The provisions of Articles 5 (1)(b) and 19 (1)(c) of Regulation (EEC) No 3665/87 shall apply to exports of fresh sweet oranges, lemons, walnuts in shell, shelled hazelnuts, apples and table grapes as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1991.

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

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 January 1991 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (I)	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0702 00 10 100		4,50	—	—
0702 00 10 900	—	—	—	—
0702 00 90 100		4,50	—	—
0702 00 90 900	—	—	—	—
0802 12 90 000	07	9,67	9,67	9,67
0802 21 00 000	07	11,30	11,30	11,30
0802 22 00 000	07	21,80	21,80	21,80
0802 31 00 000	07	14,00	14,00	14,00
0805 10 11 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 11 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 11 900	—	—	—	—
0805 10 15 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 15 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 15 900	—	—	—	—
0805 10 19 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 19 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 19 900	—	—	—	—
0805 10 21 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 21 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 21 900	—	—	—	—
0805 10 25 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 25 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 25 900	—	—	—	—
0805 10 29 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 29 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 29 900	—	—	—	—
0805 10 31 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 31 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 31 900	—	—	—	—
0805 10 35 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 35 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 35 900	—	—	—	—

(ECU/100 kg net)

Product code	Destination of refund (I)	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0805 10 39 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 39 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 39 900	—	—	—	—
0805 10 41 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 41 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 41 900	—	—	—	—
0805 10 45 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 45 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 45 900	—	—	—	—
0805 10 49 100	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 49 300	01	11,00	7,00	4,74
	06	11,00	7,00	4,74
0805 10 49 900	—	—	—	—
0805 20 50 100	—	—	—	—
0805 20 50 900	—	—	—	—
0805 30 10 100	07	13,50	3,70	0,86
0805 30 10 900	—	—	—	—
0806 10 11 100	07	10,50	10,50	3,10
0806 10 11 300	07	10,50	10,50	3,10
0806 10 11 900	—	—	—	—
0806 10 15 100	07	10,50	10,50	3,10
0806 10 15 300	07	10,50	10,50	3,10
0806 10 15 900	—	—	—	—
0806 10 19 100	07	10,50	10,50	3,10
0806 10 19 300	07	10,50	10,50	3,10
0806 10 19 900	—	—	—	—
0808 10 91 100	—	—	—	—
0808 10 91 910	02	14,00	5,50	7,79
	03	4,50	—	—
	04	—	—	—
0808 10 91 990	—	—	—	—
0808 10 93 100	—	—	—	—
0808 10 93 910	02	14,00	5,50	7,79
	03	4,50	—	—
	04	—	—	—
0808 10 93 990	—	—	—	—
0808 10 99 100	—	—	—	—
0808 10 99 910	02	14,00	5,50	7,79
	03	4,50	—	—
	04	—	—	—
0808 10 99 990	—	—	—	—
0809 30 00 110	05	—	—	—
0809 30 00 190	—	—	—	—
0809 30 00 900	05	—	—	—

(¹) The destinations are as follows :

- 01 countries or States with a planned economy in central or eastern Europe and Yugoslavia,
 - 02 Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Republic of Djibouti, the countries of the Arabian peninsula including the territories attached thereto (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Yemen, Iran and Jordan,
 - 03 countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland, Greenland and Malta,
 - 04 Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
 - 05 all destinations excluding Switzerland, Austria and that part of Community territory located outside the customs territory of the Community,
 - 06 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland and Malta,
 - 07 All destinations excepting that part of Community territory located outside the customs territory of the Community.
-

COMMISSION REGULATION (EEC) No 138/91
of 18 January 1991
on the supply of various consignments of cereals 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 1930/90 ⁽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 certain countries and beneficiary organizations 22 759 tonnes of cereals;

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

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

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 18 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation Nos** ⁽¹⁾: 1002 to 1007/90
2. **Programme**: 1990
3. **Recipient**: Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: rolled oats
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.9)
8. **Total quantity**: 672 tonnes (1 159 tonnes of cereals)
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁶⁾ ⁽¹⁰⁾ ⁽¹¹⁾: see OJ No C 216, 14. 8. 1987, p. 3 (under II.B.3)
Marking on the bags in letters at least 5 cm high: see Annex II
11. **Method of mobilization**: on the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
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**: 19. 2 — 19. 3. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 5. 2. 1991, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19. 2. 1991, at 12 noon
 - (b) period for making the goods available at the port of shipment: 5. 3. — 5. 4. 1991
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁷⁾: 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 Bruxelles; telex AGREC 22037 B / 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁸⁾: refund applicable on 25. 1. 1991, fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 21. 12. 1990, p. 15)

LOT B

1. **Operation No** ⁽¹⁾: 1060/90
2. **Programme**: 1990
3. **Recipient** ⁽²⁾: Mozambique
4. **Representative of the recipient** ⁽³⁾: B 1: Beira: COGROPA, CP 176, Beira, Moçambique (tel: 32 63 88/32 24 89)
B 2: Nacala: COGROPA, Rua Capitaio Curado, CP 245, Nacala, Moçambique (tel: 2 62 14/2 68 50)
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾:
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.10)
8. **Total quantity**: 4 000 tonnes (9 600 tonnes of cereals)
9. **Number of lots**: 1 (2 parts: B 1: 2.500 tonnes; B 2: 1.500 tonnes)
10. **Packaging and marking** ⁽⁶⁾:
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (a))
marking on the bags in letters at least 5 cm high:
'ACÇÃO Nº 1060/90 / ARROZ BRANCO / COMUNIDADE EUROPEIA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: B 1: Beira, B 2: Nacala
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 2 to 15. 3. 1991
18. **Deadline for the supply**: 15. 4. 1991
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 5. 2. 1991 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19. 2. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. 3 to 31. 3. 1991
 - (c) deadline for the supply: 30. 4. 1991
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁷⁾:
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 Bruxelles, telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁸⁾:
Refund applicable on 25. 1. 1991 fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 21. 12. 1990, p. 15)

LOT C

1. **Operation No** ⁽¹⁾: 1061/90
2. **Programme**: 1990
3. **Recipient** ⁽²⁾: Mozambique
4. **Representative of the recipient** ⁽³⁾: C 1. Beira: COGROPA, c.p. 176, Beira, Mozambique; Tel: 32 63 88/32 24 89
C 2. Nacala: COGROPA, Rua Capitao Curado, c.p. 245, Nacala, Mozambique; Tel. 2 62 14/2 68 50
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: broken rice
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾:
see list published in OJ No C 216 of 14. 8. 1987, p. 3 (under II.A.11)
8. **Total quantity**: 6 000 tonnes (12 000 tonnes of cereals)
9. **Number of lots**: 1 (2 parts: C 1: 3 500 tonnes; C 2: 2 500 tonnes)
10. **Packaging and marking** ⁽⁷⁾:
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (a))
marking on the bags in letters at least 5 cm high:
'ACÇÃO Nº 1061/90 / ARROZ QUEBRADO / COMUNIDADE EUROPEIA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: C 1: Beira, C 2: Nacala
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 2 — 15. 3. 1991
18. **Deadline for the supply**: 15. 4. 1991
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 5. 2. 1991
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 19. 2. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. 3 — 31. 3. 1991
 - (c) deadline for the supply: 30. 4. 1991
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
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 Bruxelles, telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁹⁾:
Refund applicable on 25. 1. 1991 fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 21. 12. 1990, p 15)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
— Lot A : see list published in OJ No C 227 of 7 September 1985, page 4,
— Lots B and C : FSC DA CÂMARA, CP 1306, Maputo ; tel. 74 40 93 ; telex 6-146 CCE-MO.
- (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, tenders are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this 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.
- (⁸) 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.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (¹⁰) The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.

Shipment to take place in 20-foot containers (action Nos 1002 — 1003/90 : 40-foot containers), conditions FCL/LCL. The supplier shall be responsible for the cost of making the containers available to the stack position of the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provision of the second subparagraph of Article 13 (2) of Regulation (EEC) No 2200/87 shall not apply.

- (¹¹) The supplier should send a duplicate of the original invoice to :

MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II —
BIJLAGE II — ANEXO II

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	672	408	Caritas N	Haïti	Action n° 1002/90 / Flocons d'avoine / Haïti / Caritas N / 900319 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		168	Protos	Haïti	Action n° 1003/90 / Flocons d'avoine / Haïti / Protos / 901510 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		24	AATM	Madagascar	Action n° 1004/90 / Flocons d'avoine / Madagascar / AATM / 901733 / Toliary / Don de la Communauté économique européenne / Pour distribution gratuite
		24	AATM	Madagascar	Action n° 1005/90 / Flocons d'avoine / Madagascar / AATM / 901739 / Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite
		24	AATM	Madagascar	Action n° 1006/90 / Flocons d'avoine / Madagascar / AATM / 901747 / Fianarantsoa via Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite
		24	Appel détresse	Madagascar	Action n° 1007/90 / Flocons d'avoine / Madagascar / Appel détresse / 906806 / Antananarivo via Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite

COMMISSION REGULATION (EEC) No 139/91**of 21 January 1991****on transitional measures applicable after the unification of Germany in the
sheepmeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 3577/90
of 4 December 1990 on the transitional measures and
adjustments required in the agricultural sector as a result
of Germany unification⁽¹⁾, and in particular Article 3
thereof,Whereas it is necessary, in order to ensure the stability of
the Community market, to guarantee the performance of
arrangements concluded in respect of products of origin
in the territory of the former German Democratic Repu-
blic ;Whereas Germany should therefore be authorized to pay
from national funds an export refund for the products
concerned ;Whereas the period for which the operations may take
place should be determined so as to facilitate the execu-
tion of the exports in question ;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Sheepmeat and Goats.

HAS ADOPTED THIS REGULATION :

*Article 1*Up to a maximum limit of 10 000 tonnes, carcase weight
equivalent, Germany is hereby authorized to grant from
national funds an export refund on products of the sheep-
meat sector originating in the territory of the former
German Democratic Republic and which are the subject
of arrangements concluded before 30 June 1991.*Article 2*Products referred to in Article 1 must be exported from
the Community prior to 31 December 1991.*Article 3*This Regulation shall enter into force on the day of its
publication in the *Official Journal of the European
Communities*.

It shall apply with effect from 1 January 1991.

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

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

COMMISSION REGULATION (EEC) No 140/91

of 21 January 1991

on the sale for delivery in Madeira and the Azores of cereals held by the French 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 3577/90 ⁽²⁾, and in particular Article 7 (6) 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 2203/90 ⁽⁴⁾, provides that cereals held by intervention agencies are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2619/90 ⁽⁶⁾, lays down the procedure and conditions for the sale of cereals held by intervention agencies; whereas Article 4 thereof allows for the possibility of resale on the Community market for specific destinations;

Whereas from 1 January 1991 onwards Portugal and its dependent territories will apply the common levies on cereals imported from third countries; whereas the Azores and Madeira are consequently liable to disturbances of their cereals supplies because of their geographic situation on the outer periphery of the Community; that the appropriate measures to put this right are under discussion in the context of the Poseima programme; that the Portuguese authorities have requested that a solution be found urgently for these territories of the Azores and Madeira; that to comply with this request intervention stocks could be sold; that it is therefore right to set favourable conditions for such sales, without, however, causing disturbances on the market; whereas to make allowance for the cost of transport between the European territory of the Community and the specified destinations, a derogation from Article 5 of Regulation (EEC) No 1836/82 dealing with the internal market resale price of intervention cereals should be permitted; whereas provision should also be made for the lodging of security such

as to guarantee that the cereals reach the specified destinations within the specified time limits and that the successful tenderer fulfils his obligation to pass on to the new buyer of the cereals the purchase price concession he received;

Whereas Member States shall take all further action compatible with the provisions in force that is required to ensure satisfactory operation of the present arrangement and shall inform the Commission thereof;

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 French intervention agency is authorized to sell by tender on the Community market 150 000 tonnes of cereals to be delivered to the destinations and within the time limits specified in the Annex.

Article 2

1. The invitation to tender shall be open from 1 January to 31 December 1991.

2. The cereals sold must be delivered to the destination provided for in the Annex.

3. Tenders shall not be valid unless accompanied by a written commitment:

— to pass on, when the cereals are resold after arrival at destination, the price advantage granted in application of the tender rules set out in Article 3; should the cereals not be sold for direct consumption the terms of sale must include an obligation on the purchaser to pass on in turn the price reduction granted pursuant to Article 3,

— to lodge, at the latest on payment for the cereals, a security covering the difference between the price as provided for in Article 5 (1) and (3) of Regulation (EEC) No 1836/82 and that tendered.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 249, 12. 9. 1990, p. 8.

Article 3

The minimum price to be observed shall be fixed in accordance with the procedure indicated in Article 26 of Regulation (EEC) No 2727/75 by way of derogation from Article 5 (1) and (3) of Regulation (EEC) No 1836/82, account being taken in particular of the cost of transport between the storage locations and the destinations specified. A minimum price shall be set for each destination.

Article 4

The security mentioned in the second indent of Article 2 (3) shall be released for quantities for which evidence of resale in the Azores and Madeira at a price reflecting the price reduction granted pursuant to Article 3 is provided within the specified time limit. Such evidence shall be

constituted by certificate issued by the Portuguese authorities following verification that the tenderer has met his obligations.

Article 5

The French intervention agency shall take all action necessary to ensure that the provisions of this Regulation are complied with. It shall inform the Commission each week, through the Management Committee for Cereals, of the progress of the tender procedure and of the supply operation.

Article 6

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, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

First period	Azores	Madeira
Cereals	Quantity (tonnes)	
— common wheat	18 000	11 500
— barley	28 000	12 500
— durum wheat	1 500	3 500

Second period : 75 000 tonnes (to be fixed)

Latest delivery date : 1 July to 31 December 1991

COMMISSION REGULATION (EEC) No 141/91

of 21 January 1991

fixing the minimum selling prices for the purposes of the standing invitation to tender issued by Regulation (EEC) No 140/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 140/91 of 21 January 1991 on the sale for delivery in the Azores and Madeira of cereals held by the French intervention agency ⁽³⁾,

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 ⁽⁴⁾, as last amended by Regulation (EEC) No 2203/90 ⁽⁵⁾, stipulates that when cereals held by intervention agencies are sold, they are to be sold by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁶⁾, as last amended by Regulation (EEC) No 2619/90 ⁽⁷⁾, lays down the procedures and the conditions for the disposal of cereals held by intervention agencies;

Whereas Regulation (EEC) No 140/91 authorizes the French intervention agency to put up for sale on the

Community market 150 000 tonnes of cereals for delivery in the Azores and Madeira; whereas that Regulation provides for minimum selling prices to be fixed by way of a derogation from Article 5 (1) and (3) of Regulation (EEC) No 1836/82;

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 minimum selling prices to be observed for the purposes of the standing invitation to tender issued under Regulation (EEC) No 140/91 shall be as set out in the Annex hereto.

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, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ See page 17 of this Official Journal.

⁽⁴⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁶⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁷⁾ OJ No L 249, 12. 9. 1990, p. 8.

*ANNEX***Minimum selling prices in Ecu/ton**

Cereals	Azores	Madeira
common wheat	122,40	122,40
barley	114,32	114,32
durum wheat	187,19	187,19

Latest delivery date : 30 June 1991

COMMISSION REGULATION (EEC) No 142/91**of 21 January 1991****fixing the aid for soya beans**

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 2(7) thereof,

Whereas the amount of the aid referred to in Article 2(1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 3865/90 ⁽³⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3865/90 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 January 1991.

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

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 77.

ANNEX

to the Commission Regulation of 21 January 1991 fixing the aid for soya beans

(ECU/100 kg)

	Current period 1	First period 2	Second period 3	Third period 4	Fourth period 5	Fifth period 6
Seed harvested :						
— Spain	17,905	17,970	17,954	18,366	18,480	18,284
— another Member State	23,449	23,514	23,498	23,910	24,024	23,828

COMMISSION REGULATION (EEC) No 143/91

of 21 January 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90⁽³⁾, as last amended by Regulation (EEC) No 132/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 18 January 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1991.

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

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 14, 19. 1. 1991, p. 49.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 21 January 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,67 ⁽¹⁾
1701 11 90	40,67 ⁽¹⁾
1701 12 10	40,67 ⁽¹⁾
1701 12 90	40,67 ⁽¹⁾
1701 91 00	45,36
1701 99 10	45,36
1701 99 90	45,36 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 December 1990

altering the limits of the less-favoured areas in the United Kingdom within the meaning of Council Directive 75/268/EEC

(Only the English text is authentic)

(91/25/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas⁽¹⁾, as last amended by Regulation (EEC) No 797/85⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Council Directive 84/169/EEC of 28 February 1984 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (United Kingdom)⁽³⁾ describes the regions of the United Kingdom included in the Community list of less-favoured areas within the meaning of Article 3 (4) and (5) of Directive 75/268/EEC;

Whereas the Government of the United Kingdom has requested, in accordance with Article 2 (1) of Directive 75/268/EEC, alterations to the limits of the less-favoured areas in the Annex to Directive 84/169/EEC;

Whereas the inclusion of new municipalities in the lists of areas within the meaning of Article 3 (4) of Directive 75/268/EEC meets the criteria adopted by Directive 84/169/EEC for the delimitation of the respective areas;

Whereas all the alterations requested by the Government of the United Kingdom under Article 2 (3) of Directive 75/268/EEC combined do not entail an increase in the

utilized agricultural area of all the less-favoured areas together which exceeds 1,5 % of the total utilized agricultural area of the United Kingdom; whereas the limit set in the said Article is therefore respected;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The list of less-favoured areas in the United Kingdom contained in the Annex to Directive 84/169/EEC is hereby amended in accordance with the Annex to this Decision.

Article 2

The Decision is addressed to the United Kingdom.

Done at Brussels, 18 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽³⁾ OJ No L 82, 26. 3. 1984, p. 67.

ANNEX

Less-favoured areas within the meaning of Article 3 (4) of Directive No 75/268/EEC

ENGLAND

County	Parishes wholly within less-favoured areas	Parishes partly within less-favoured areas
NORTH YORKSHIRE	Aysgarth Burton cum-Walden Ingleton Thorlby	
DEVON	Christow Doddiscombeleigh East Anstey	Chudleigh Dunchideock Filleigh Kenn Romansleigh South Molton Trusham
HEREFORD AND WORCESTER		Llancillo Walterstone

WALES

County	Communities wholly within less-favoured areas	Communities partly within less-favoured areas
GWYNEDD	Pwllheli	Caernarvon y Felinheli
GWYNEDD ISLAND SITES	Cyich-y-garn	Bodfordd Bodorgan Mechell Rhosyr
DYFED ISLAND SITES		Templeton

SCOTLAND

County	Parishes wholly within less-favoured areas	Parishes partly within less-favoured areas
GRAMPIAN		Spyhie Udny
TAYSIDE	Comrie	Airlie
FIFE		Abdie (!)
LOTHIAN		Cranston

(!) Grouped with T2 as nearest group in geographical terms.

NORTHERN IRELAND

County	Parishes wholly within less-favoured areas	Parishes partly within less-favoured areas
Co. FERMANAGH	Corralongford Mullaghfad	

COMMISSION DECISION

of 18 December 1990

amending the limits of the less-favoured areas in the Federal Republic of Germany within the meaning of Council Directive 75/268/EEC

(Only the German text is authentic)

(91/26/EEC)

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

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas ⁽¹⁾, as last amended by Regulation (EEC) No 797/85 ⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Council Directive 86/465/EEC of 14 July 1986 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Germany) ⁽³⁾, as last amended by Directive 89/586/EEC ⁽⁴⁾, describes the regions of the Federal Republic of Germany included in the Community list of less-favoured areas within the meaning of Article 3 (4) and (5) of Directive 75/268/EEC;

Whereas the Government of the Federal Republic of Germany has, pursuant to Article 2 (1) of Directive 75/268/EEC, requested a change in the limits of the less-favoured areas given in the Annex to Directive 86/465/EEC;

Whereas the inclusion of the new communes in the lists concerning the areas within the meaning of Article 3 (4) of Directive 75/268/EEC respects the indices and values used by Directive 86/465/EEC to delimit the respective areas;

Whereas the total changes requested by the Government of the Federal Republic of Germany under Article 2 (3) of

Directive 75/268/EEC will not increase the utilized agricultural area in the less-favoured areas as a whole;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The list of less-favoured areas in the Federal Republic of Germany given in the Annex to Directive 86/465/EEC is hereby amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽³⁾ OJ No L 273, 24. 9. 1986, p. 1.

⁽⁴⁾ OJ No L 330, 15. 11. 1989, p. 1.

ANNEX

Less-favoured areas within the meaning of Article 3 (4) of Directive 75/268/EEC

BAYERN

BENACHTEILIGTE AGRARZONEN

Areas to be added

Regierungsbezirk Oberbayern

Landkreis	Gemeinde	mit Teilflächen (Gemarkung/Altgemeinde)
186 Pfaffenhofen a. d. Ilm	125 Gerolsbach	Gerolsbach-Süd
189 Traunstein	137 Pittenhart	Pittenhart-Süd

Regierungsbezirk Niederbayern

Landkreis	Gemeinde	mit Teilflächen (Gemarkung/Altgemeinde)
227 Rottal-Inn	112 Bayerbach 113 Birnbach, M. 128 Kirchdorf am Inn 149 Triftern, M.	Steinberg-Süd Asenham-Süd Ecken Anzenkirchen-Süd

Areas to be deleted

Regierungsbezirk Niederbayern

Landkreis	Gemeinde	mit Teilflächen (Gemarkung/Altgemeinde)
273 Kehlheim	137 Kehlheim, St.	Kehlheim (ohne Affecking)

Regierungsbezirk Mittelfranken

Landkreis	Gemeinde	mit Teilflächen (Gemarkung/Altgemeinde)
571 Ansbach	205 Steinsfeld	Gattenhofen-West

Regierungsbezirk Schwaben

Landkreis	Gemeinde	mit Teilflächen (Gemarkung/Altgemeinde)
771 Aichach-Friedberg	113 Aichach, St.	Aichach-Ost
772 Augsburg	145 Gablingen	Gablingen-West
779 Donau-Ries	117 Auhausen	Auhausen-Ost

TENTH COMMISSION DIRECTIVE

of 19 December 1990

amending certain Annexes to Council Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(91/27/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products ⁽¹⁾, as last amended by Commission Directive 90/506/EEC ⁽²⁾, and in particular Article 13, second paragraph, indents three and four thereof,

Whereas Directive 77/93/EEC laid down protective measures against the introduction into the Member States of organisms harmful to plants or plant products; whereas the harmful organisms concerned are listed in Annex II to that Directive; whereas a list of commodities which are subject to an import ban under some conditions is also given in Annex III; whereas this Directive also specified special requirements, which are to be met in order to have better guarantees of freedom from the abovementioned harmful organisms;

Whereas the scope of the Directive should be clarified in respect of intergeneric hybrids resulting from crosses between the genera *Citrus* L., *Fortunella* Swingle and *Poncirus* Raf.;

Whereas therefore the relevant Annexes of Directive 77/93/EEC should be amended accordingly;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/93/EEC is hereby amended in accordance with the Annex hereto.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive by 1 April 1991 at the latest. These shall make express reference to this Directive.

Member States shall immediately inform the Commission of all laws, regulations and administrative provisions adopted in implementation of this Directive.

The Commission shall inform the other Member States thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 282, 13. 10. 1990, p. 67.

ANNEX

1. In Annex I (B) (d), the left hand column is altered as follows :
'Viruses of plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids'.
 2. In Annex II (A) (a) (7a), the right hand column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, and plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea americana* P. Mill., *Strelitziaceae*, rooted or with growing medium attached or accompanying'.
 3. In Annex II (B) (a) (01), the middle column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, intended for planting other than seeds'.
 4. In Annex II (B) (a) (10a), the middle column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, *Malus* Mill. and *Pyrus* L. intended for planting, other than seeds'.
 5. In Annex II (B) (a) (12), the middle column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, intended for planting, other than seeds'.
 6. In Annex II (B) (c) (2) and Annex II (B) (c) (4), the middle column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids'.
 7. In Annex III (A) (11), the left hand column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, other than fruit, seeds and parts of plants used for decoration'.
 8. In Annex III (B) (1), the left hand column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids'.
 9. In Annex IV (A) (15a), the left hand column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, and plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea americana* P. Mill., *Strelitziaceae*, rooted or with growing medium attached or associated, originating in or coming from third countries'.
 10. In Annex IV (B) (8), the left hand column is altered as follows :
'Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., or their hybrids, other than fruit and seeds'.
-

COMMISSION DECISION

of 19 December 1990

authorizing certain Member States to provide for exceptions from certain provisions of Directive 77/93/EEC in respect of potatoes for human consumption originating in Turkey

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

(91/28/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Commission Directive 91/27/EEC⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, the Federal Republic of Germany, Luxembourg and the Netherlands,

Whereas under the provisions of Directive 77/93/EEC, potato tubers originating in Turkey may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas, however, Article 14 (3) of the said Directive permits exceptions from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas the early growing in Turkey of potatoes for human consumption from seed potatoes supplied by Member States has become an established practice;

Whereas by Decisions 89/244/EEC⁽³⁾ and 90/162/EEC⁽⁴⁾, the Commission authorized such derogations subject to certain technical conditions in respect of potatoes for human consumption originating in Turkey;

Whereas information supplied by Turkey and collected in that country during a mission carried out in 1990, has shown that there are good reasons to believe that, in Turkey, potatoes can be grown under adequate health conditions and that, at present, there are no sources for the introduction of exotic potato diseases, in particular in certain parts of the provinces of Adana and Izmir; whereas Turkey as moreover implemented adequate health and quality standards in the potato production of these provinces; whereas, taking into account that the potatoes have derived from seed potatoes supplied by the Community, exotic potato diseases unknown in the Community are not likely to occur;

Whereas it can therefore be established, on the basis of the information available at present, that there is no risk of harmful organisms spreading, provided that certain special technical conditions are complied with; whereas the Commission will ensure that the Turkish authorities make available all technical information which is necessary to monitor the functioning of the protective measures required under these technical conditions; whereas the potatoes are introduced at a time when they cannot influence the health status of potatoes produced in the Community;

Whereas the requesting Member States should therefore be authorized to provide for derogations in respect of potatoes for human consumption originating in Turkey, under the aforementioned special technical conditions, for the forthcoming early potato season; whereas this system will be reconsidered, on the basis of an assessment of the technical information to be provided by the Turkish authorities and of the results of monitoring to be carried out on potatoes introduced into the Community pursuant to this Decision;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Belgium, the Federal Republic of Germany, Luxembourg and the Netherlands are hereby authorized to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4 (1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A (9a) of Annex III thereto for potatoes for human consumption originating in Turkey, with a view to marketing them in their respective territories or between them.

2. The following specific conditions shall be satisfied:

- (a) the potatoes shall be potatoes for human consumption;
- (b) they shall be immature potatoes, i.e. 'unsuberized' potatoes with loose skin;
- (c) they shall have been grown either in the province of Adana, south of the line Kraisali-Duzici or in the province of Izmir, in the region of Ödemis; the potatoes shall have been grown on farms growing potatoes whose origin shall only have been either Member States or Turkey and the farms should be the subject of supervision by the Ministry of Agriculture;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ See page 29 of this Official Journal.

⁽³⁾ OJ No L 99, 12. 4. 1989, p. 26.

⁽⁴⁾ OJ No L 91, 6. 4. 1990, p. 30.

- (d) they shall belong to varieties the seed potatoes of which were imported into Turkey only from Member States;
- (e) they shall be the direct progeny of seed potatoes officially certified in 1990 as 'basic seed' or 'certified seed' in Member States;
- (f) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes;
- (g) they shall not have been in store-houses where potatoes of varieties other than those specified in (d) have been stored;
- (h) they shall be free from soil, subject to a tolerance of 0,5 % by weight, and free from leaves and other debris;
- (i) they shall have been sampled, by the Turkish plant protection organization, in accordance with international standards, and found, in official examination carried out by that plant protection organization, to meet the tolerances for tubers with defects as specified in Annex I, up to a maximum total of 4,5 % by number of tubers for all defects and to a maximum total of 2 % by number of tubers for all defects other than potato greening, size-off types and mixing of varieties, provided that the potatoes are free from live larvae, pupae or adults of boring insects; they shall have met these tolerances also in any other examination carried out by other bodies for other purposes;
- (k) they shall be packed :
 - either in new bags,
 - or in containers which have been disinfected in an appropriate manner,
 an official label, bearing the information specified in Annex II, shall be applied to each bag or container;
- (l) the official phytosanitary certificate required pursuant to Article 12 (1) (b) of Directive 77/93/EEC shall indicate :
 - under the section 'Disinfestation and/or disinfection treatment' all information related to the possible treatments referred to in (k), second indent,
 - under the section 'Additional declaration' :
 - name of the variety,
 - with loose skin (*Piskin degil*),
 - identification number or name of the farm where the potatoes have been grown and its location,
 - reference allowing the identification of the seed lot used in accordance with (e),
 - results of the examination for presence of potatoes with defects in accordance with (i);
- (m) the conditions (b) and (h) to (l) may have been monitored by an inspector dispatched on request of the Commission; in that case the monitoring shall be

confirmed by the inspector on the official phytosanitary certificate referred to in (l);

- (n) on arrival, the potatoes shall be inspected by the importing Member State for satisfaction of the requirement specified in (i); an additional tolerance of 0,5 % by number of tubers for wet rot may be accepted;
- (o) on arrival, at least six samples of 200 tubers each shall be drawn by the importing Member State from each consignment of imported potatoes; three of the samples shall be tested for the presence of harmful organisms in the official laboratory of the importing Member States; three of the samples shall be dispatched to other Member States for official testing. However, in the case that a consignment amounts to 25 tonnes or less, only two such samples shall be drawn, one for official testing by the importing Member States and one for dispatch to another Member State for official testing. The harmful organisms concerned and the details of testing shall be determined in agreement with the Commission and with the plant protection organizations of the Member States.

Article 2

1. The authorization granted in Article 1 shall apply in the period between 1 February and 30 May 1991.
2. The authorization shall be revoked if it is established that the conditions laid down in Article 1 (2) have been insufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 3

Belgium, Germany, Luxembourg and the Netherlands shall provide the Commission and the other Member States, before 1 August 1991, with information on the amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1 (2) (o); copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 4

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX I***Tolerances for tubers with defects**

(Article 1 (2) (i))

Type of defects	Tubers (%)
<i>Major defects:</i>	
Severe mechanical damage	1,0
Damage caused by diseases (scab)	0,5
Potato greening	2,0
Wet rot	0,0
Dry rot	0,5
<i>Minor defects:</i>	
Presence of soil	0,5 (percentage by weight)
Slight mechanical damage	1,0
Damage caused by insects	1,0
Size-off types by transverse diameter	1,0
Mixing of varieties	0,0

*ANNEX II***Information required on the label**

(Article 1 (2) (k))

1. Name of the authority issuing the label.
2. Name of the exporters' organization.
3. Indication 'Turkish potatoes for human consumption'.
4. Variety.
5. Province of production.
6. Size.
7. Declared net weight.
8. Indication 'In accordance with EEC requirements laid down in Decision 91/28/EEC'.
9. A mark printed or stamped on behalf of the Turkish plant protection organization.

COMMISSION DECISION

of 11 January 1991

terminating the anti-dumping proceeding concerning imports of Portland cement originating in Yugoslavia

(91/29/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultation within the Advisory Committee as provided for in Regulation (EEC) No 2423/88,

Whereas :

A. PROCEDURE

- (1) In December 1988 the Commission received a complaint lodged by the Associazione Italiana Tecnico Economica del Cemento acting on behalf of producers representing a large majority of Italian producers of cement.
- (2) The complaint contained *prima facie* evidence of dumping on a regional basis and of injury resulting therefrom which was considered sufficient to justify initiating a proceeding in order to establish whether the facts alleged existed and justified any action being taken. The Commission accordingly announced, by a notice in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports originating in Yugoslavia to Italy of Portland cement other than white Portland cement, in bulk or in bags used in the construction industry, corresponding to CN code 2523 29 00 and began an investigation.
- (3) The Commission officially so advised the exporters and importers known to be concerned, the representatives of Yugoslavia and the complainant and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (4) The Yugoslav producers/exporters concerned in this proceeding made their views known in writing. One producer has requested and has been granted a hearing.

The Italian importers of the product concerned made their views known in writing and one requested and has been granted a hearing.

Of the nine Italian producers of the product mentioned in the complaint, three declined to respond to the Commission's questionnaire stating that they did not consider they were affected by the Yugoslavian imports. The remaining six producers made their views known in writing.

The Greek producers of the product concerned made their views known in writing.

- (5) The period under investigation with regard to dumping was 1 May 1988 to 30 April 1989. With regard to injury and threat of injury, facts which occurred after 30 April 1989 were not taken into consideration.
- (6) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following Community producers :
 - Colacem, Gubbio,
 - Sacci SpA, Rome,
 - Cementir, Rome,
 - Italcementi SA, Bergamo,
 - Unicem, Turin,
 - Friulcem, Turin,
 - Cementizillo, Este.

B. REGIONALITY

- (7) The Commission established that approximately 99 % of the total Italian cement production is sold in the Italian market and that demand for cement in Italy is not supplied to a substantial degree by producers located elsewhere in the Community.

The Italian industry can therefore be considered to constitute the Community industry within the terms of Article 4 (5) of Regulation (EEC) No 2423/88.
- (8) The Commission found that four areas in Italy were particularly affected by the imports from the product originating in Yugoslavia. It was considered whether these areas, either individually or collectively, could constitute the Community industry. Evidence obtained during the investigation showed that the cement market in these areas

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 149, 16. 6. 1989, p. 4.

is supplied to a material degree by producers located outside the areas concerned and that the producers established in these areas do not sell all or almost all of their production within these areas.

The Commission therefore concluded that the four areas concerned could not, either individually or collectively, be considered as a distinct market.

C. LIKE PRODUCT

- (9) The product allegedly being dumped is Portland cement other than white Portland cement in bulk and/or in bags.

Portland cement production (all classes) represents about 55 % of Italian production of cement. Other cement types include Pozzolanico cement (40 % of production).

- (10) Without exception, all Italian producers involved underlined that the decisive criterion for cement is not whether the cement has been produced with Portland or Pozzolanico, but to which strength qualification the cement answers. Therefore, Portland cement and Pozzolanico cement can be considered interchangeable as long as they belong to the same strength class. The Commission concluded that for the purpose of this investigation, Pozzolanico as well as Portland cement types should be considered as the like product.
- (11) Italian law sets down the characteristics for the classification of cement. It gives, amongst others, strength qualifications which include minimum requirements for compression resistance of the concrete after 28 days. Cement 325 should have a resistance of at least 325 kg/cm² after 28 days. Cement 425 should have a resistance of at least 425 kg/cm² after 28 days.
- (12) The quality of the imported product is claimed by the complainants to conform to Italian class 425 high resistance cement. The Yugoslavian producers claim that the exported cement conforms to Italian class 325 ordinary cement.
- (13) The Italian and the Yugoslavian producers have submitted contradictory evidence to the Commission of the quality of the imported product. The Commission has carefully considered this evidence in order to assess the like product in Italy. During the investigation, it became clear that, although the Yugoslavian product is particularly in competition with the Italian production of 425 cement, direct and indirect effects are also felt on the 325 segment of the cement market. 425 cement may be used as a substitute for 325 cement but not the reverse.

- (14) The Commission therefore concluded that it would not be justified to consider only the 425 segment of the cement market as totally separate. Consequently, it has taken into account both the 425 market segment and the total cement market in its findings.

D. INJURY

- (15) With regard to the injury allegedly being caused by the dumped imports, the evidence available to the Commission shows that imports to Italy from Yugoslavia increased from 293 000 tonnes in 1985 to 603 000 tonnes in 1988.

The market share of these imports rose from 0,78 % in 1985 to 1,49 % in 1988 (all cement). If all Yugoslavian imports are considered on the 425 market alone market share rose from 2,55 % in 1985 to 4,25 % in 1988. The market share of imports from other sources on the 425 market rose from 0,17 % in 1985 to 8,16 % in 1988.

- (16) On the basis of information from importers of Yugoslavian cement, considerable price undercutting by Yugoslavian imported 425 cement has been found of Italian 425 prices.

In addition, to a lesser degree, some undercutting of Italian 325 prices has been found.

- (17) From the data available, the Commission also found that there were strong indications that the Yugoslavian products on the Italian market had been imported at dumped prices. This information has not been verified because of the findings under recital 18.

- (18) With regard to the possible impact of the dumped imports on the situation of the producers in Italy, account has to be taken of the following factors:

- (a) Italian production of cement (all types) increased by 4 % in the period 1985 to 1988. Italian 425 cement production increased by 11 % in the same period;
- (b) production capacity increased by 7,5 % in the period 1985 to 1988;
- (c) capacity utilization declined between 1985 and 1986 from 68,4 to 64,6 %, it increased and stabilized around 66 % in 1987 and 1988. In absolute terms, production and sales increased but the utilization rate remained stable due to the expansion of capacity;
- (d) although the growth in Italian production did not totally follow the market trend, the difference is not such as to be considered material;

- (e) the Italian producers' market share remains consistently high (95 % all cement: 87 % for 425 cement);
- (f) the prices realized by the Italian producers have increased at a slightly faster rate than the rate of the publicly-fixed maximum price. They showed only a slight decrease in the investigation period which must be considered negligible. The price trend for 425 cement is slightly more favourable than that of all cement (+ 13,6 % compared to + 10 %) for the investigation period compared to 1985;
- (g) the profitability of the Italian cement industry has developed favourable overall in the period 1985 to 1987. No company is in or is threatened by a loss-making situation. For some companies, a decline in profits did occur in 1988; other companies performed better in 1988 than in 1987.

The decline in profits is, in the view of the Commission, evidence of the restructuring and rationalization effort of this industry;

- (h) Increases in the cost of production have arisen mainly in respect of energy costs and environmental safeguards;
 - (i) Investment plans by the industry, especially to meet Italian State environmental requirements and to improve efficiency and rationalization, show underlying confidence in the market;
 - (j) The employment situation of the Italian industry investigated shows, during the last four years, a gradual reduction in the number of people involved in the production of cement.
- This decrease (12 % over four years) is considered to have been the result of the restructuring of plants in order to achieve a more efficient production process.
- (19) For these reasons the Commission has not been able to establish material injury to the Community industry. Even if some injurious elements have been established, the Commission found these not to be material and the Yugoslav imports not to be the main cause of them.

E. THREAT OF INJURY

- (20) The complaint did not contain any allegations of a threat of injury. Some Italian producers indicated

that the potential export capacity of Yugoslavian producers could reach 1 150 000 tonnes.

The dumped exports from Yugoslavia amounted to $\pm$ 600 000 tonnes in 1988 and to $\pm$ 580 000 tonnes in 1989.

As far as the Commission has been informed, only moderate increases in production-capacity of Yugoslavian producers are foreseen in the short term.

The Commission considered that no substantial evidence for a threat of injury was available.

F. TERMINATION OF THE PROCEEDING

- (21) In the absence of material injury or a threat of injury, one of the indispensable conditions for taking protective measures pursuant to Article 11 of Regulation (EEC) No 2423/88 is not fulfilled. Therefore, the anti-dumping proceeding concerning imports of Portland cement originating in Yugoslavia should be terminated.
- (22) The Advisory Committee has been consulted and has raised no objections.
- (23) The Commission made known its findings to the complainant. The complainant requested and has been granted a hearing, during which the Commission orally supplied more information on its findings,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of Portland Cement originating in Yugoslavia is hereby terminated.

Done at Brussels, 11 January 1991.

For the Commission

Frans ANDRIESEN

Vice-President