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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 632/91

of 15 March 1991

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

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

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 533/91⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 14 March 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 533/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 March 1991.

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

Done at Brussels, 15 March 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 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 15 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	133,83 ⁽²⁾ ⁽³⁾
0712 90 19	133,83 ⁽²⁾ ⁽³⁾
1001 10 10	196,92 ⁽¹⁾ ⁽⁵⁾
1001 10 90	196,92 ⁽¹⁾ ⁽⁵⁾
1001 90 91	183,00
1001 90 99	183,00
1002 00 00	157,32 ⁽⁶⁾
1003 00 10	152,53
1003 00 90	152,53
1004 00 10	145,61
1004 00 90	145,61
1005 10 90	133,83 ⁽²⁾ ⁽³⁾
1005 90 00	133,83 ⁽²⁾ ⁽³⁾
1007 00 90	144,82 ⁽⁴⁾
1008 10 00	60,90
1008 20 00	142,13 ⁽⁴⁾
1008 30 00	70,29 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	70,29
1101 00 00	270,70 ⁽⁸⁾
1102 10 00	234,61 ⁽⁸⁾
1103 11 10	318,74 ⁽⁸⁾
1103 11 90	290,90 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 633/91

of 15 March 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 14 March 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 16 March 1991.

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

Done at Brussels, 15 March 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 15 March 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	7,00	7,00	6,46
0712 90 19	0	7,00	7,00	6,46
1001 10 10	0	2,31	2,31	2,31
1001 10 90	0	2,31	2,31	2,31
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	7,00	7,00	6,46
1005 90 00	0	7,00	7,00	6,46
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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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 634/91
of 15 March 1991
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice 230/91 broken rice were fixed by Commission Regulation (EEC) No 566/91 ⁽⁵⁾,

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 18 March 1991.

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

Done at Brussels, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 63, 9. 3. 1991, p. 9.

ANNEX

to the Commission Regulation of 15 March 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾)(⁽²⁾)(⁽³⁾)	Third countries (except ACP or OCT) (⁽⁴⁾)(⁽⁵⁾)
1006 10 21	—	157,16	321,53
1006 10 23	226,34	147,29	301,78
1006 10 25	226,34	147,29	301,78
1006 10 27	226,34	147,29	301,78
1006 10 92	—	157,16	321,53
1006 10 94	226,34	147,29	301,78
1006 10 96	226,34	147,29	301,78
1006 10 98	226,34	147,29	301,78
1006 20 11	—	197,35	401,91
1006 20 13	282,92	185,01	377,22
1006 20 15	282,92	185,01	377,22
1006 20 17	282,92	185,01	377,22
1006 20 92	—	197,35	401,91
1006 20 94	282,92	185,01	377,22
1006 20 96	282,92	185,01	377,22
1006 20 98	282,92	185,01	377,22
1006 30 21	—	244,56	512,97 (⁽⁵⁾)
1006 30 23	431,67 (⁽⁵⁾)	275,89	575,56 (⁽⁵⁾)
1006 30 25	431,67 (⁽⁵⁾)	275,89	575,56 (⁽⁵⁾)
1006 30 27	431,67 (⁽⁵⁾)	275,89	575,56 (⁽⁵⁾)
1006 30 42	—	244,56	512,97 (⁽⁵⁾)
1006 30 44	431,67 (⁽⁵⁾)	275,89	575,56 (⁽⁵⁾)
1006 30 46	431,67 (⁽⁵⁾)	275,89	575,56 (⁽⁵⁾)
1006 30 48	431,67 (⁽⁵⁾)	275,89	575,56 (⁽⁵⁾)
1006 30 61	—	260,81	546,32 (⁽⁵⁾)
1006 30 63	462,75 (⁽⁵⁾)	296,15	617,00 (⁽⁵⁾)
1006 30 65	462,75 (⁽⁵⁾)	296,15	617,00 (⁽⁵⁾)
1006 30 67	462,75 (⁽⁵⁾)	296,15	617,00 (⁽⁵⁾)
1006 30 92	—	260,81	546,32 (⁽⁵⁾)
1006 30 94	462,75 (⁽⁵⁾)	296,15	617,00 (⁽⁵⁾)
1006 30 96	462,75 (⁽⁵⁾)	296,15	617,00 (⁽⁵⁾)
1006 30 98	462,75 (⁽⁵⁾)	296,15	617,00 (⁽⁵⁾)
1006 40 00	—	78,47	162,95

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

(⁽²⁾) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products imported directly 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.

(⁽⁴⁾) The import levy on rice originating in Bangladesh is specified in Regulation (EEC) No 3491/90.

(⁽⁵⁾) 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 635/91**of 15 March 1991****fixing the premiums to be added to the import levies on rice and broken rice**

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 3847/90 ⁽³⁾, as last amended by Regulation (EEC) No 567/91 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which

are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 March 1991.

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

Done at Brussels, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 19.

⁽⁴⁾ OJ No L 63, 9. 3. 1991, p. 12.

ANNEX

to the Commission Regulation of 15 March 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
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 636/91**of 15 March 1991****temporarily suspending the advance fixing of export refunds on beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾,

Having regard to Council Regulation (EEC) No 885/68 of 28 June 1968 laying down general rules for granting export refunds on beef and veal and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, and in particular the first subparagraph of Article 5 (4) thereof,

Whereas the situation on certain markets makes it necessary to amend the refund nomenclature and to adjust refunds; whereas, in order to discourage applications for the advance fixing of refunds from being submitted for speculative purposes, the advance fixing of refunds should

be suspended temporarily, with no action being taken on applications already lodged but not yet dealt with;

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

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of export refunds on the products covered by CN codes 0201 30 00 and 0202 30 90 referred to in the Annex to Regulation (EEC) No 373/91⁽⁵⁾, is hereby suspended for the period 16 to 20 March 1991.

Article 2

This Regulation shall enter into force on 16 March 1991.

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

Done at Brussels, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 43, 16. 2. 1991, p. 19.

COMMISSION REGULATION (EEC) No 637/91**of 15 March 1991****fixing the amount of the subsidy on oil seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 550/91⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1990/91 marketing year were fixed by Council Regulations (EEC) No 1317/90⁽⁷⁾ and (EEC) No 1318/90⁽⁸⁾;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed by Regulation (EEC) No 1317/90 for the 1990/91 marketing year;

Whereas the standard quality for sunflower seed has been maintained by the Council for the 1989/90 and 1990/91 marketing years; whereas the coefficients of equivalence applied to the prices of sunflower seed from third coun-

tries have been fixed by Commission Regulation No 225/67/EEC⁽⁹⁾, as last amended by Regulation (EEC) No 2869/87⁽¹⁰⁾;

Whereas the target prices and the intervention prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1756/90 of 27 June 1990 establishing the target and intervention prices for colza, rape and sunflower seed and the guide and minimum prices for soya beans, fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽¹¹⁾;

Whereas the abatement of the subsidy for colza and rape seed which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has been fixed by Commission Regulation (EEC) No 2509/90⁽¹²⁾;

Whereas the abatement of the subsidy for sunflower seed which arise from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) 2833/90⁽¹³⁾;

'Whereas, owing to the lack of a target price for rape seed and of the adjustment in the rate of aid resulting from the maximum guaranteed quantity arrangements for the 1991/92 marketing year, the rate of the aid fixed in advance for this marketing year has only been able to be calculated provisionally on the basis of the Commission's price proposals to the Council; whereas this amount should therefore only be applied provisionally and should be confirmed or replaced once the prices and related measures and the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year are known';

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽¹⁴⁾, as last amended by Regulation (EEC) No 1983/82⁽¹⁵⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 64, 11. 3. 1991, p. 51.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 132, 23. 5. 1990, p. 9.

⁽⁸⁾ OJ No L 132, 23. 5. 1990, p. 11.

⁽⁹⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

⁽¹⁰⁾ OJ No L 273, 26. 9. 1987, p. 16.

⁽¹¹⁾ OJ No L 162, 28. 6. 1990, p. 19.

⁽¹²⁾ OJ No L 237, 1. 9. 1990, p. 7.

⁽¹³⁾ OJ No L 268, 29. 9. 1990, p. 86.

⁽¹⁴⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽¹⁵⁾ OJ No L 215, 23. 7. 1982, p. 6.

that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Regulation No 225/67/EEC provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded;

Whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by ECU 0,242;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should

be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 1321/90⁽²⁾, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 3603/90⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 15.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 350, 14. 12. 1990, p. 57.

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be adjusted as provided for in Council Regulation (EEC) No 478/86⁽¹⁾; whereas this aid is, for seed harvested in these Member States, to be determined in line with the provisions of Articles 95 (2) and (3) and 293 (2) and (3) of the Act of Accession;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ecus resulting from the calculation referred to above plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽²⁾, as last amended by Regulation (EEC) No 1539/90⁽³⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price less percentage referred to in Article 5, paragraph 1 of the said regulation or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate multiplied by the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾;

(b) for Member States other than those referred to in (a), the difference between:

- the agricultural conversion rate, and
- the average rate of the ecu as published in the C Series of the *Official Journal of the European Communities* during a period to be determined multiplied by the factor referred to in the second indent of point (a);

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ecus and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation; whereas, pursuant to the same Article, the spot and forward exchange rates for the ecu in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annexes hereto.
2. However, the amount of the aid fixed in advance for the 1991/92 marketing year for the rape seed shall be confirmed or replaced with effect from 16 March 1991 to take account of the prices and related measures for the 1991/92 marketing year and of the consequences of the maximum guaranteed quantity arrangements.

Article 2

This Regulation shall enter into force on 16 March 1991.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽²⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽³⁾ OJ No L 145, 8. 6. 1990, p. 20.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

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

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	11,246	11,246
— Portugal	27,646	27,724	27,662	27,662	18,216	18,216
— Other Member States	20,676	20,754	20,692	20,692	11,246	11,246
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	48,68	48,86	48,71	48,71	26,48	26,49
— Netherlands (Fl)	54,84	55,05	54,89	54,89	29,83	29,86
— BLEU (Bfrs/Lfrs)	1 003,95	1 007,74	1 004,73	1 004,73	546,06	546,22
— France (FF)	163,25	163,87	163,38	163,38	88,79	88,79
— Denmark (Dkr)	185,67	186,37	185,81	185,81	100,99	100,99
— Ireland (£ Irl)	18,170	18,238	18,184	18,184	9,883	9,878
— United Kingdom (£)	15,818	15,875	15,820	15,820	8,366	8,327
— Italy (Lit)	36 420	36 557	36 448	36 448	19 809	19 657
— Greece (Dr)	4 204,52	4 196,84	4 136,46	4 099,63	1 845,08	1 724,98
— Spain (Pta)	0,00	0,00	0,00	0,00	1 809,62	1 789,32
— Portugal (Esc)	5 824,88	5 841,88	5 827,68	5 816,70	3 859,31	3 815,46

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)
1. Gross aids (ECU):						
— Spain	0,986	1,064	1,002	1,002	13,746	13,746
— Portugal	30,146	30,224	30,162	30,162	20,716	20,716
— Other Member States	23,176	23,254	23,192	23,192	13,746	13,746
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	54,56	54,74	54,60	54,60	32,36	32,38
— Netherlands (Fl)	61,48	61,68	61,52	61,52	36,46	36,49
— BLEU (Bfrs/Lfrs)	1 125,34	1 129,13	1 126,12	1 126,12	667,45	667,61
— France (FF)	182,99	183,60	183,12	183,12	108,53	108,53
— Denmark (Dkr)	208,12	208,82	208,26	208,26	123,44	123,44
— Ireland (£ Irl)	20,367	20,435	20,381	20,381	12,080	12,075
— United Kingdom (£)	17,767	17,824	17,769	17,769	10,315	10,276
— Italy (Lit)	40 823	40 961	40 852	40 852	24 213	24 060
— Greece (Dr)	4 761,78	4 754,10	4 693,72	4 656,89	2 402,34	2 282,24
— Spain (Pta)	242,92	255,76	244,39	237,42	2 191,86	2 171,56
— Portugal (Esc)	6 346,57	6 363,57	6 349,37	6 338,39	4 381,00	4 337,15

(1) Amount fixed provisionally, pending and subject to the setting of the prices and related measures and of the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, on the basis in particular:

- of the Commission's proposals for the 1991/92 marketing year as regards the target price, the monthly increases, the reduction for rape seed other than 'double zero' and the arrangements applying to rape seed harvested in Spain;
- the adjustment resulting from the maximum guaranteed quantity arrangements and the agricultural conversion rates applied for the 1990/91 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1. Gross aids (ECU):					
— Spain	30,792	30,925	30,838	30,592	30,450
— Portugal	39,708	39,845	39,765	39,524	39,384
— Other Member States	27,468	27,605	27,525	27,284	27,144
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	64,66	64,99	64,80	64,23	63,90
— Netherlands (Fl)	72,86	73,22	73,01	72,37	72,00
— BLEU (Bfrs/Lfrs)	1 333,74	1 340,40	1 336,51	1 324,81	1 318,01
— France (FF)	216,88	217,96	217,33	215,42	214,32
— Denmark (Dkr)	246,66	247,89	247,17	245,01	243,75
— Ireland (£ Irl)	24,138	24,259	24,188	23,977	23,853
— United Kingdom (£)	21,103	21,207	21,136	20,943	20,831
— Italy (Lit)	48 384	48 625	48 484	48 059	47 813
— Greece (Dr)	5 705,58	5 710,82	5 643,14	5 542,51	5 506,19
— Portugal (Esc)	8 340,82	8 370,07	8 352,44	8 292,15	8 263,41
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 785,82	4 807,08	4 792,72	4 750,46	4 729,37
— in another Member State (Pta)	4 841,20	4 862,99	4 849,83	4 808,40	4 787,69

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

ANNEX IV

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

(value of ECU 1)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
DM	2,050710	2,048330	2,046430	2,044560	2,044560	2,039570
Fl	2,310890	2,308230	2,305930	2,303660	2,303660	2,297920
Bfrs/Lfrs	42,232200	42,192000	42,145900	42,109900	42,109900	42,013500
FF	6,987130	6,980510	6,975610	6,970830	6,970830	6,959170
Dkr	7,884100	7,882270	7,880770	7,880420	7,880420	7,875580
£Irl	0,770003	0,770197	0,771111	0,771578	0,771578	0,774066
£	0,702335	0,703770	0,704840	0,705845	0,705845	0,707772
Lit	1 531,19	1 534,04	1 536,39	1 538,63	1 538,63	1 546,16
Dr	221,13900	223,70300	226,32300	228,92600	228,92600	235,50400
Esc	178,36500	178,87500	179,42600	180,14100	180,14100	182,31900
Pta	127,67100	128,11900	128,48700	128,83100	128,83100	129,76700

COMMISSION REGULATION (EEC) No 638/91

of 15 March 1991

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 2249/90⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1189/90⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has been fixed by Commission Regulation (EEC) No 2510/90⁽⁹⁾;

Whereas the threshold price activating the aid and the minimum price fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1755/90 of 27 June 1990 establishing the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽¹⁰⁾;

Whereas, owing to the lack of an activating threshold price, a guide price for peas, field beans and sweet lupins and of the adjustment in the rate of aid resulting from the maximum guaranteed quantity arrangements for the 1991/92 marketing year, the amount of the aid fixed in advance for this marketing year has only been able to be calculated provisionally on the basis of the Commission's price proposals to the Council; whereas this amount should, therefore, only be applied provisionally and should be confirmed or replaced once the prices and related measures and the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year are known;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1990, p. 56.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 119, 11. 5. 1990, p. 37.

⁽⁸⁾ OJ No L 119, 11. 5. 1990, p. 40.

⁽⁹⁾ OJ No L 237, 1. 9. 1990, p. 8.

⁽¹⁰⁾ OJ No L 162, 28. 6. 1990, p. 18.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor, provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1834/90 ⁽³⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from

Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

2. However, the amount of the aid fixed in advance for the 1991/92 marketing year for peas, field beans and sweet lupins shall be confirmed or replaced with effect from 16 March 1991 to take account of the prices and related measures for the 1991/92 marketing year and of the consequences of the maximum guaranteed quantity arrangements.

Article 2

This Regulation shall enter into force on 16 March 1991.

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

Done at Brussels, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 94.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)	6th period 9 (1)
Peas used :							
— in Spain	6,523	6,681	6,681	6,681	4,537	4,537	4,695
— in Portugal	6,541	6,699	6,699	6,699	4,555	4,555	4,713
— in another Member State	6,676	6,834	6,834	6,834	4,690	4,690	4,848
Field beans used :							
— in Spain	6,676	6,834	6,834	6,834	4,690	4,690	4,848
— in Portugal	6,541	6,699	6,699	6,699	4,555	4,555	4,713
— in another Member State	6,676	6,834	6,834	6,834	4,690	4,690	4,848

Products used in animal feed :

(ECU per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)	6th period 9 (1)
A. Peas used :							
— in Spain	9,644	9,923	9,923	9,771	7,446	7,446	7,603
— in Portugal	9,690	9,968	9,968	9,817	7,496	7,496	7,653
— in another Member State	9,690	9,968	9,968	9,817	7,496	7,496	7,653
B. Field beans used :							
— in Spain	9,644	9,923	9,923	9,771	7,446	7,446	7,603
— in Portugal	9,690	9,968	9,968	9,817	7,496	7,496	7,653
— in another Member State	9,690	9,968	9,968	9,817	7,496	7,496	7,653
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,715	11,877	11,877	11,675	10,284	10,284	10,284
— in Portugal	11,776	11,937	11,937	11,736	10,351	10,351	10,351
— in another Member State	11,776	11,937	11,937	11,736	10,351	10,351	10,351
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,715	11,877	11,877	11,675	10,284	10,284	10,284
— in Portugal	11,776	11,937	11,937	11,736	10,351	10,351	10,351
— in another Member State	11,776	11,937	11,937	11,736	10,351	10,351	10,351

[illegible]

[illegible]

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	24,01	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	4,44	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	1,16	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	119,47	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	75,92	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	3,90	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,435	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	871	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	1,31	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	103,21	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,386	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	220,680	128,629	6,89509	0,767417	1 538,24	2,31643	178,382	0,700084

(¹) Amount fixed provisionally, pending and subject to the setting of the prices and related measures and of the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, on the basis in particular:

- of the Commission's proposals for the 1991/92 marketing year as regards the target price, the activating threshold prices and the monthly increases;
- of the adjustment resulting from the maximum guaranteed quantity arrangements and of the agricultural conversion rates applied for the 1990/91 marketing year.

COMMISSION REGULATION (EEC) No 639/91**of 14 March 1991**

ending the charges against the tariff ceilings opened, in the framework of generalized tariff preferences, by Council Regulation (EEC) No 3897/89 in respect of certain textile products originating in Thailand, Pakistan and China, and repealing Regulations (EEC) No 3891/90 and (EEC) No 3892/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries ⁽¹⁾, as amended by Regulation (EEC) No 3211/90 ⁽²⁾, and in particular the third paragraph of Article 12 thereof,

Whereas, pursuant to Articles 1 and 10 of Regulation (EEC) No 3897/89 suspension of customs duties in the context of preferential tariff ceilings is granted within the limits of the individual ceilings set out in column 8 of Annex I to that Regulation in respect of each of the categories of product under consideration ; whereas as provided for in the third paragraph of Article 12 of the said Regulation, the Commission may, after 31 December 1990, take measures to stop quantities being charged against any particular preferential tariff limit if these limits were exceeded particularly as a result of regularizations of imports actually made during the preferential tariff period ;

Whereas, in respect of the products of category 28 (order No 40.0280) originating in Thailand and Pakistan, and of category 97 (order No 40.0970) originating in China, the relevant ceilings were fixed at 104 000 pieces and four tonnes, respectively ; whereas on 1 January 1991, the sum of the quantities charged during the 1990 preferential period has exceeded the ceilings in question ;

Whereas it appears desirable to take measures to stop quantities being charged against the said ceilings in respect of Thailand and Pakistan for category 28, and in respect of China for category 97 ;

Whereas Commission Regulation (EEC) No 3891/90 of 21 December 1990 reintroducing the levying of the customs duties applicable to the products of category No 28 (order No 40.0280) originating in Thailand and Pakistan, to which the preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply ⁽³⁾ and Commission Regulation (EEC) No 3892/90 of 21 December 1990 reintroducing the levying of the customs duties applicable to the products of category No 97 (order No 40.0970) originating in China, to which the preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply ⁽⁴⁾ serve no purpose because of a delay in their publication ; whereas they should consequently be repealed,

HAS ADOPTED THIS REGULATION :

Article 1

The quantities charged against the tariff ceilings opened by Regulation (EEC) No 3897/89 relating to the products and origins indicated in the table below, shall cease to be allowed from 1 January 1991.

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

⁽²⁾ OJ No L 308, 8. 11. 1990, p. 1.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 155.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 157.

Order No	Category (unit)	CN code	Description	Origin
40.0280	28 (1 000 pieces)	6103 41 10	Trousers, bib and brace overalls, breeches and shorts (other than swimwear) knitted or crocheted, of wool, of cotton or man-made fibres	Thailand Pakistan
		6103 41 90		
		6103 42 10		
		6103 42 90		
		6103 43 10		
		6103 43 90		
		6103 49 10		
		6103 49 91		
		6104 61 10		
		6104 61 90		
		6104 62 10		
		6104 62 90		
		6104 63 10		
		6104 63 90		
		6104 69 10		
		6104 69 91		
40.0970	97 (tonnes)	5608 11 11	Nets and netting made of twine, cordage or rope, and made up fishings nets of yarn, twine, cordage or rope	China
		5608 11 19		
		5608 11 91		
		5608 11 99		
		5608 19 11		
		5608 19 19		
		5608 19 31		
		5608 19 39		
		5608 19 91		
		5608 19 99		
		5608 90 00		

Article 2

Regulations (EEC) No 3891/90 and (EEC) No 3892/90 are repealed.

Article 3

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

This Regulation shall apply from 1 January 1991.

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

Done at Brussels, 14 March 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 640/91

of 15 March 1991

amending for the first time Regulation (EEC) No 1524/71 laying down detailed rules concerning private storage aid for flax and hemp fibres

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽¹⁾, as last amended by Regulation (EEC) No 3995/87 ⁽²⁾, and in particular Article 5 (3) thereof,

Whereas Article 6 of Commission Regulation (EEC) No 1524/71 ⁽³⁾ contains certain provisions concerning payment of the aid; whereas in order to improve the efficiency of the storage scheme, the contracting party should be enabled to receive an advance payment of aid subject to the lodging of a security;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be added to Article 6 of Regulation (EEC) No 1524/71:

'At the contracting party's request, a single advance payment on the amount of aid may be made, provided

that he lodges a security equal to the advance payment, plus 10 %.

The advance payment shall not exceed the amount of aid corresponding to the actual period of storage.

The security shall take one of the forms provided for in Article 8 of Regulation (EEC) No 2220/85 ⁽¹⁾. The security shall be released pro rata to the quantities for which the contracting party's obligations under his storage contract are fulfilled. It shall be released once it has been ascertained that those obligations have been fulfilled. The security shall be forfeited pro rata to the quantities for which those obligations are not fulfilled, except in cases of *force majeure*. In such cases, the security shall also be released pro rata to the quantities in respect of which the *force majeure* applies.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.'

Article 2

This Regulation shall enter into force on the third 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, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 34.

⁽³⁾ OJ No L 160, 17. 7. 1971, p. 16.

COMMISSION REGULATION (EEC) No 641/91

of 15 March 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 305/91⁽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 608/91⁽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 14 March 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 16 March 1991.

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

Done at Brussels, 15 March 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 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 67, 14. 3. 1991, p. 39.

⁽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 15 March 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,47 ⁽¹⁾
1701 11 90	39,47 ⁽¹⁾
1701 12 10	39,47 ⁽¹⁾
1701 12 90	39,47 ⁽¹⁾
1701 91 00	43,89
1701 99 10	43,89
1701 99 90	43,89 ⁽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.

COMMISSION REGULATION (EEC) No 642/91**of 15 March 1991****altering the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 630/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 630/91 to

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 630/91 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 16 March 1991.

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

Done at Brussels, 15 March 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 68, 15. 3. 1991, p. 60.

ANNEX

to the Commission Regulation of 15 March 1991 altering the export refunds on cereals
fixing and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	120,00
	06	50,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	90,00
	05	90,00
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	04	87,00
	06	30,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	0
1101 00 00 130	01	0
1101 00 00 150	01	0
1101 00 00 170	01	0
1101 00 00 180	01	0
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	0
1102 10 00 900	—	—
1103 11 10 100	01	0
1103 11 10 200	01	0
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	0
1103 11 90 900	—	—

(¹) The destinations are identified as follows:

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

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

COMMISSION REGULATION (EEC) No 643/91
of 15 March 1991
fixing the aid for cotton

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

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

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 3868/90 ⁽⁴⁾, as last amended by Regulation (EEC) No 497/91 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3868/90 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 43,644 per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 March 1991.

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

Done at Brussels, 15 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 89.

⁽⁵⁾ OJ No L 55, 1. 3. 1991, p. 63.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 March 1991

terminating the anti-dumping proceeding concerning imports of Atlantic salmon originating in Norway

(91/142/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 originating in countries not members of the European Economic Community⁽¹⁾, and in particular Article 9 thereof,

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

Whereas :

the initiation of an anti-dumping proceeding concerning imports of Atlantic salmon falling within CN code ex 0302 12 00, originating in Norway⁽²⁾, and opened an investigation.

(2) The Commission officially notified the associations of producer/exporters, the importers, the representatives of the exporting country and the complainants and gave interested parties the opportunity to make known their views in writing and request a hearing.

(3) Representatives of the producer/exporters and most Community producers made written comments. Representatives of the Norwegian producer/exporters requested and were granted a hearing.

A. PROCEDURE

(1) In December 1989 the Commission received a complaint from the Scottish Salmon Board (SSB) and the Irish Salmon Growers' Association acting for producers accounting for almost the entire Community production of fresh and chilled Atlantic salmon.

The complaint included sufficient evidence of dumping and material injury to justify initiating an anti-dumping proceeding.

The Commission consequently gave notice in the *Official Journal of the European Communities* of

While only one importer answered the Commission questionnaire even in part, comments were received from importers' associations in France and Denmark. The Committee of Agricultural Organizations in the European Community (COPA) and the General Committee for Agricultural Cooperation in the EEC (Cogeca) also commented.

(4) In view of the very great number of operators involved in the proceeding, both in the Community and in Norway, the Commission was obliged to resort to sampling when selecting firms on which to base its calculations. It therefore contacted

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 25, 2. 2. 1990, p. 6.

the Scottish Salmon Board and the Irish Salmon Growers' Association for Community producers and the Norske Fiskeoppdretteres Forening (NFF), the Fiskeoppdretteres Salgslag A/L (FOS) and the Norges Ferskfiskomsetnings Landsforening (NFOL) for Norwegian producer/exporters.

(5) The following sampling method was used :

(a) *Community producers*

The Community has about 180 production units. A representative selection of firms was made on the basis of size and geographical location.

The Scottish firms chosen for the sample and investigated account for 52 % of the volume of Scottish production, i.e. 16 000 out of a total 31 000 tonnes ⁽¹⁾.

In Ireland, the firms chosen represent 58 % of the volume of Irish production, i.e. 3 650 out of a total of 6 300 tonnes.

(b) *Norwegian producer/exporters*

The firms involved in this proceeding, which number about 1 000, were selected on the basis of proposals from the Norwegian industry, the volume of their sales and their geographical location.

The firms investigated were selected according to the above criteria and the quality of their answers to the questionnaire.

The producers selected represent about 11 % by volume of Norwegian output ⁽³⁾. The firms investigated account for 40 % of the production covered by answers to the questionnaire.

The exporters investigated account for 38 % of sales to the Community, i.e. 23 000 out of 60 000 tonnes and 64 % of the sales volume covered by answers to the questionnaire.

(6) By means of its sampling, the Commission gathered and verified all the information it considered necessary to assess the facts and carried out checks at the premises of the following firms :

(a) *Community producers*

- G. Johnson Ltd, Shetland, United Kingdom,
- Golden Sea Produce Ltd, Connel, Argyll, United Kingdom,

- Hebridean Sea Farms Ltd, Isle of Lewis, United Kingdom,
- McConnel Salmon Ltd, Dunbartonshire, United Kingdom,
- Marine Harvest Ltd, Edinburgh, United Kingdom,
- Otter Ferry Salmon Ltd, Argyll, United Kingdom,
- Salar Ltd, Outer Hebrides, United Kingdom,
- Shetland Sea Farms Ltd, Shetland, United Kingdom,
- Wester Ross Salmon Ltd, Ullapool, United Kingdom.

(b) *Norwegian producer/exporters*

(i) *Producers*

- Jul Notnes, Skrova, Norway,
- Mowi a/s, Fyllingsdalen, Norway,
- Oylaks a/s, Midsund, Norway,
- Sanden Fiskeoppdrett, Midsund, Norway,
- Strommen Lakseoppdrett A/S, Rugsund, Norway.

(ii) *Exporters*

- A/S Austevoll Fiskeindustri, Storebo, Norway,
- Chr. Bjelland Seafoods A/S, Stavanger, Norway,
- Fremstad Group A/S, Trondheim, Norway,
- Hallvard Leroy A/S, Bergen, Norway,
- Karsten J. Ellingsen, Skrova, Norway,
- Manger Fiskemat A/S, Manger, Norway,
- R. Domstein & Co, Maloy, Norway,
- Salmonor A/S, Bergen, Norway,
- Skaarfish Florofryseri A/S, Floro, Norway.

(7) The dumping investigation covered the period from 1 January 1989 to 31 December 1989.

B. THE PRODUCT

(8) *Product definition*

The proceeding concerns only fresh and chilled Atlantic salmon falling within CN code ex 0302 12 00, not frozen or smoked salmon.

It is exported to the Community either whole or gutted.

⁽¹⁾ Estimate for 1989.

(9) **Like product**

There are three qualities for Atlantic salmon (production, ordinary and superior) regardless of whether it is farmed in Norway or on the coasts of Scotland or Ireland. Although certain slight differences, attributable mainly to fat content, may be observed in the meat depending on whether it originates in Norway, Scotland or Ireland, the Commission considered salmon originating in the Community and Norway to possess identical physical characteristics within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

C. DUMPING(10) **Normal value**

The usual method of calculating normal value on the basis of transactions by the producers was not considered appropriate in this case. Since the producers sell their entire output to exporters for resale on both domestic and export markets, the prices used were those of the exporters. And as practically all domestic sales by these firms were made at a loss, within the meaning of Article 2 (4) of Regulation (EEC) No 2423/88, normal value was reconstructed on the basis of the production costs of Norway's salmon farmers, to which were added their profits, the overheads of the exporters investigated and a reasonable profit margin on the resale activities (5 %).

(11) **Export price**

Because all sales of fresh salmon to the Community are made by such exporters, the dumping margin is calculated on the basis of the export price charged by these firms.

Export prices were based on the prices actually paid or payable for products sold for export to the Community.

(12) **Comparison**

For each weight category and quality, normal value was compared on a transaction-by-transaction basis with export prices at the same stage of marketing.

Where necessary, the Commission allowed for differences affecting price comparability, such as the cost of transport, insurance, handling and credit.

In this way the Commission established a dumping margin for each firm. As a percentage of total cif

value, the weighted average dumping margin for all the firms investigated is 11,3 %.

D. INJURY⁽¹⁾**I. Volume, market share and price of imports**(13) *Volume*

The information available to the Commission shows that imports of Norwegian farmed salmon almost trebled between 1986 and 1989, increasing from 21 596 tonnes to 58 849 tonnes.

(14) *Market share*

Apparent consumption grew steadily from 33 474 tonnes in 1986 to 96 987 tonnes in 1989, an increase of 189,74 %.

It should be emphasized that Norwegian exporters profited from the threefold increase in apparent consumption on the Community market between 1986 and 1989, maintaining their market share at about 60 %. From 1988 to 1989, they increased their market share by about 1,66 %, which means that Norwegian sales accounted for 18 000 tonnes of a 28 000-tonne increase in consumption.

(15) *Norwegian export prices*(a) *Overall trend*

Statistical data shows that the cif price of imported salmon fell by 17 % from 1986 to 1989. During the investigation period, the unit price fell from ECU 6,21 a kilo to ECU 4,93 a kilo, 20,61 % down on 1988 prices.

(b) *Undercutting*

A quality-by-quality, month-by-month comparison on the main Community markets for Norway's salmon exports revealed the downward trend in prices during the investigation period to be reflected in substantial undercutting by the firms investigated.

⁽¹⁾ The Commission primarily based its calculations on information gathered and verified during the investigation. Owing to the use of a sampling technique, this approach was not always possible. Consequently, the following sources were used for recitals 15 (b), 19, 20, 21, 22 and 23: replies from firms investigated; for recitals 13 and 15 (a): Eurostat statistics; for recitals 14 and 18: a combination of the information contained in the complaint and Eurostat statistics.

Undercutting on whole and gutted salmon ranged from 2 % to 37 % on the French market and 2 % to 33 % on the Dutch. Undercutting on the gutted salmon which accounts for the bulk of Norwegian exports to the German market ranged from 3 % to 25 %.

II. Impact on the Community industry concerned

Introductory note

- (16) Since farmed salmon is a food product, no useful distinction may be made between production and sales.

As a 'fresh' product, 'harvested fish' must either be sold immediately or processed for sale in other forms. There is furthermore a limit to the time salmon may be kept at a fish farm before becoming unfit for human consumption. Stocks are therefore of no significance to this case.

To assess the impact on the Community industry of salmon imports from Norway, the Commission took account of the following factors:

(17) *Community sales*

The volume of Community sales rose from about 10 800 tonnes in 1986 to 31 000 tonnes in 1989, an increase of 187 %.

(18) *Market share*

From 1986 to 1989, the complainants' share of the Community market remained stable at around 32 %, while Community consumption increased by nearly 190 %.

However, in 1989 Community producers saw their market share down 2,3 % on the previous year, their sales having risen by only 31,59 % against an increase in Community consumption of 40,98 %.

(19) *Prices*

The Community industry cut its prices by 18,9 % between 1986 and 1989, from ECU 5,97 a kilo to ECU 4,84. Actually, prices remained stable at around ECU 6 a kilo from 1986 to 1988: the fall occurred during the investigation period.

(20) *Financial results*

Information gathered from a representative sample of the Community industry shows that the financial situation of Community producers worsened between 1986 and 1989. All but one of the Community producers saw either a decline in profits or financial losses. This deterioration continued during the investigation period: while only one producer made losses in 1988, the following year two-thirds were showing trading deficits ranging from 0,3 % to 69 %.

(21) *Employment*

Employment in the Community industry showed steady growth until 1988, but this dipped noticeably in 1989. Small production units stabilized the number of their employees, while larger ones cut back on recruitment.

(22) *Investment*

Vigorous growth in productive investment between 1986 and 1988 gave way in 1989 to an appreciable decline in capital spending.

(23) *'Underselling'*

The investigation revealed 'underselling' of 29,6 % when the Community's production costs plus a reasonable profit margin of 15 % and the cost of transport were compared with the average cif unit price of imports from Norway.

III. Conclusions concerning injury

- (24) Relatively stable and balanced until 1988, the state of the Community market in farmed salmon suddenly deteriorated in 1989. The impact of price undercutting on the French, Dutch and German markets coupled with the effect of volume (Norway held over 60 % of the Community market) forced Community producers to cut appreciably the price of sales on the Community market (down 18,10 %), leading to sometimes considerable financial losses.

Against a background of increasing consumption, the complainants were able to limit their loss of market share to 2,3 % only at the price of these financial losses.

Other indicators, such as jobs and investment, also testify to a deterioration in the situation of the Community industry in 1989.

The above findings show the existence of injury, mainly in the form of price cuts forced on Community producers and the worsening of their financial situation.

E. CAUSAL LINK

- (25) Since exports from Norway represent over 60 % of the Community market, the downward pressure exerted by the Norwegians on prices in 1989 was injurious to the Community's still embryonic salmon industry.
- (26) Although exports from other non-member countries broke on to the market between 1986 and 1989, they amounted in 1989 to only 7 138 tonnes (7,36 % of the Community market), equivalent in volume terms to only 12,13 % of Norwegian exports. These other non-member countries increased their combined market share by only 0,67 % in 1989, compared with 1,61 % for the Norwegians.
- (27) Furthermore, prices for salmon imported from places other than Norway fell in line with those for imports from Norway between 1986 and 1989. The price of non-Norwegian exports remained relatively stable in the investigation period, while that of imports originating in Norway fell by 20,61 %, 11,3 % resulting from dumping.
- (28) Lastly, attention was also drawn to the negative influence of dumped imports of Pacific salmon. It should be underlined that imports of frozen Pacific salmon fell by 42,6 % from 1987 to 1988 and by 33,5 % from 1988 to 1989, a decline of 61,8 % from 1987 to 1989, and that imports of fresh Pacific salmon account for only 1 % of the Community's fresh salmon consumption.
- (29) It has been suggested that the Community producers' difficulties were the result of increases in their production costs, the impact of disease and storms, and increasing financing costs owing to rising interest rates.

It should be pointed out that disease and storms have also hit Norwegian salmon farming, but above all that the impact of these additional costs is relatively small in so far as these risks are generally covered by insurance.

As for financing costs, their relative share in the structure of Norwegian production costs was not found to differ significantly from that of Scottish producers, i.e. 2,8 % compared with 3,6 %, and does not account for the financial difficulties experienced by Community producers during the investigation period.

rienced by Community producers during the investigation period.

- (30) In conclusion, the fall in the price of Norwegian imports is found to coincide with the injury caused to the Community industry, in view of the level of undercutting owing to dumping by Norwegian exporters and the size of their market share (60 %).

F. COMMUNITY INTEREST

- (31) The decision to take defensive action against imports of Norwegian salmon must take account of the different interests existing side-by-side on this market and the characteristics of the market as determined by the type of product concerned.
- (32) From the standpoint of the Community producers, certain associations drew the Commission's attention to the fact that salmon production in Scotland and Ireland has contributed greatly to the development process needed to restore the regional balance at Community level. It would therefore be regrettable if the economic fabric developing there, characterized by a large number of small and medium sized enterprises, were allowed to weaken.
- (33) From the consumers' perspective, it was argued that if an anti-dumping duty were imposed on imports of Norwegian salmon, Community production would neither be able to replace supplies from Norway, since Community producers are already operating at full capacity, nor supply salmon weighing over 5 kg, since Community salmon weigh less generally.
- (34) Lastly, certain users argued that the increase in the price of fresh salmon from Norway could cause the Community's processing industry to relocate, in Norway itself or elsewhere.

G. NEED FOR MEASURES

- (35) In 1989 the Norwegian Government adopted a series of measures aimed at restricting the volume of salmon supplied to the market. Restrictions will apply to the award of new operating licences on the one hand, and the farming of salmon fry and samlet on the other. At the pre-marketing stage, the Norwegian industry assumed the management of a freezing programme aimed at preventing saturation of the market by channelling supply.

The combination of these measures led to an appreciable increase in prices on the Community market from the beginning of 1990.

- (36) This change in the market situation should be sustained, given the Norwegian Government's stated wish to contribute to the balanced development of fresh salmon exports to the Community while respecting traditional trade flows.

Aware of the serious difficulties caused by unstable salmon prices on the Community market, the Norwegian Government has undertaken to combat factors which might disturb the balance of supply and demand, and to encourage the application of any measure likely to stabilize the market as a whole.

In the circumstances, the Commission considers it unnecessary to impose anti-dumping measures concerning farmed salmon originating in Norway.

H. TERMINATION OF THE ANTI-DUMPING PROCEEDING

- (37) In the circumstances, the anti-dumping proceeding should be terminated without the imposition of trade protection measures.

- (38) There was no objection from the Anti-dumping Committee to this conclusion with the exception of the United Kingdom and Ireland who expressed reservations.

- (39) The complainants have been informed of the facts and main considerations underlying the Commission's intention to terminate the proceeding and have not contested them.

HAS DECIDED AS FOLLOWS:

Sole article

The anti-dumping proceeding concerning imports of Atlantic salmon originating in Norway, falling within CN code ex 0302 12 00 is hereby terminated.

Done at Brussels, 15 March 1991.

For the Commission

Frans ANDRIESEN

Vice-President
