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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 664/91**of 18 March 1991**

**applying Decision No 1/90 of the EEC-EFTA joint committee 'common transit'
amending Appendices I and II to the Convention of 20 May 1987 on a common
transit procedure**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Article 15 (3) (a) of the Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation on a common transit procedure⁽¹⁾ empowers the joint committee established by the Convention to adopt by decision amendments to the Appendices;

Whereas the joint committee has decided to amend Appendices I and II to the Convention to take account of recent changes to the Community transit rules which will have the effect of:

- abolishing the requirement to produce a transit advice not at internal frontiers,
- defining the responsibilities of the railways for combined road-rail transport operations, and

— allowing commercial documents to be used to establish the Community status of goods;

Whereas those amendments were the subject of Decision No 1/90 of the joint committee; whereas it is necessary to apply that Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/90 of the EEC-EFTA joint committee 'common transit' of 13 December 1990 amending Appendices I and II to the Convention of 20 May 1987 on a common transit procedure shall apply in the Community.

The text of the Decision is attached to this Regulation.

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 March 1991.

For the Council

The President

J.-C. JUNCKER

⁽¹⁾ OJ No L 226, 13. 8. 1987, p. 2.

DECISION No 1/90 OF THE EEC-EFTA JOINT COMMITTEE 'COMMON TRANSIT'

of 13 December 1990

amending appendices I and II to the Convention of 20 May 1987 on a common transit procedure

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure, and in particular Article 15 (3) (a) thereof,

Whereas Appendix I to the Convention contains provisions providing for the obligation for the carrier to give a transit advice note at each office of transit;

Whereas the provisions in force in the European Economic Community have been recently amended in order to dispense with the requirement to present a transit advice note at the internal borders of the Community; whereas Appendix I to the Convention should consequently be amended;

Whereas, moreover, Appendix II to the Convention contains, *inter alia*, provisions peculiar to common transit procedures for the carriage of goods by rail as well as provisions concerning the document used to establish the Community status of goods not moving under the T2 procedure;

Whereas, because of the development of combined road-rail transport and for the purposes of such development, it has appeared necessary to provide that, in agreement with the railways, the latter assume responsibility for the payment of duties and other charges in certain situations peculiar to this type of transport;

Whereas, with a view to simplifying procedures, it has appeared appropriate to allow the use, under certain conditions, of commercial documents as documents used to establish the Community status of goods,

HAS DECIDED AS FOLLOWS:

Article 1

Appendix I to the Convention is hereby amended as follows:

1. Article 22 (1) is replaced by the following:

- '1. The carrier shall give a transit advice note only to:
- (a) each customs office of entry at the frontier between two Contracting Parties;
 - (b) each customs office at the point of exit from a Contracting Party where the consignment is leaving its customs territory in the course of a

transit operation via a frontier between a Contracting Party and a third country;

- (c) each customs office of entry into a Contracting Party, where the goods have passed through the territory of a third country.

A specimen of the transit advice note is shown in Appendix II.'

2. Article 22 (3) is replaced by the following:

- '3. If, in accordance with the provisions of Article 19 (2), goods are carried via an office of transit other than that mentioned in the T1 document, that office shall without delay send the transit advice note to the office mentioned in that document.

However, where, in the course of a Community transit operation between two Member States of the Community, the office of transit via which the goods are carried is situated in an EFTA country, the office of transit shall retain the transit advice note.'

3. Article 36 (2) (d), is replaced by the following:

- '(d) when the consignment has not been produced at the office of destination, in the last Contracting Party into the territory of which it is established, according to the transit advice notes, that the means of transport or the goods have entered.'

4. The following paragraph is added to Article 36:

- '3. (This Article does not contain paragraph 3).'

5. Article 42 (3) is replaced by the following:

- '3. In cases where, in accordance with Article 22 (1), a transit advice note must be given, the records kept by the railway authorities shall be substituted for transit advice notes.'

Article 2

Appendix II to the Convention is hereby amended as follows:

1. The first subparagraph of Article 1 (7) is replaced by the following:

- '7. Without prejudice to Article 96 (a), the document certifying the Community status of the goods — called "T2L document" — shall be drawn up on a form which conforms to copy 4 of the specimen contained in Annex I to Appendix III or to copy 4/5 of the specimen contained in Annex II to that Appendix.'

2. The following Articles are inserted :

Article 11a

(This Appendix does not contain Article 11a).

Proof of the regularity of operations

Article 11b

The proof of the regularity of the transit operation, within the meaning of Article 36 (2) (d) of Appendix I, shall be furnished to the satisfaction of the competent authorities :

- (a) by the presentation of a document certified by the customs authorities establishing that the goods in question have been produced at the office of destination or, where Article 71 applies, to the authorized consignee. This document must include an identification of the said goods ;

or

- (b) by the presentation of a customs document issued in a third country showing release for consumption or by a copy or photocopy thereof ; such copy or photocopy must be certified as being a true copy by the organization which certified the original document, by the official authorities of the third country concerned or by the official authorities of one of the Contracting Parties. This document must include an identification of the goods in question.'

3. The following subtitle and Article are inserted :

'Combined road-rail transport

Article 61a

Where a consignment of goods being carried by combined road-rail transport under cover of one or more Community transit/common transit documents is accepted by the railways in a rail terminal and is loaded on wagons, the railway authorities shall assume liability for payment of duties and other charges where offences or irregularities occur during the journey by rail, if there is no valid guarantee in the country where the offence or irregularity has occurred or is deemed to have occurred, and if it is not possible to recover such amounts from the principal.'

4. The following Chapter III and the following Articles are inserted :

'CHAPTER III

USE OF A DOCUMENT OTHER THAN THE T2L DOCUMENT

Article 96a

1. Without prejudice to the conditions provided for in Articles 82 (3), (4) and 83, the Community status of

goods shall be established under the conditions of this Article by the production of an invoice or a transport document.

2. The invoice or transport document referred to in paragraph 1 must include, at least, the full name and address of the consignor/exporter or of the declarant where the declarant is not the consignor/exporter, the number and kind, marks and numbers of the packages, the description of the goods, the gross mass in kilograms and, where appropriate, the numbers of the containers.

The declarant must indicate clearly on the invoice of transport document the symbol T2L, accompanied by his signature.

3. Where the person concerned wishes to qualify for the provisions of this Article, the invoice or transport document duly filled in and signed by the person concerned shall, on his application, be authenticated by the customs authorities of the country of departure. That authentication must include the references contained in Article 84 (2) (a).

4. The Article shall apply only where the invoice or transport document covers only Community goods.

5. For the purposes of this Convention, the invoice or transport document fulfilling the conditions and formalities set out in paragraphs 2, 3 and 4 shall have the same value as the T2L document.

6. For the purposes of Article 9 (4) of the Convention, the customs office of an EFTA country into the territory of which goods have entered under cover of an invoice or transport document having the same value as a T2L document may attach to the T2 or T2L document which it issues in respect of the goods a certified copy or photocopy of that invoice or transport document.

Article 96b

As far as the authorized consignor referred to in Article 89 is concerned, the provisions of Chapter II shall apply *mutatis mutandis* to the invoice or transport document used to establish the Community status of goods, in accordance with Article 96 (a) (1), (2) and (4).

Article 3

This Decision shall enter into force on 1 March 1991.

Done at Brussels, 13 December 1990.

For the joint committee

The Chairman

P. WILMOTT

COUNCIL REGULATION (EEC) No 665/91

of 18 March 1991

opening and providing for the administration of Community tariff quotas for certain industrial products (1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain industrial products will remain in the course of 1991 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 30 June 1991 or a period up to 31 December 1991 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From the date of entry into force of this Regulation until the date shown in the table below, the duties applicable to imports of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN codes (a)	Description	Date of expiry	Amount of quota	Quota duty (%)
09.2706	ex 8540 30 10	Colour cathode-ray tubes with a dot mask, equipped with electron guns placed side by side (in-line technology), with a distance of less than 0,40 mm between colour dots, a diagonal angle of deflection of not more than 90°, convergence errors not exceeding 0,8 mm at the corners and a diagonal screen measurement of more than 29 and not more than 42 cm	30. 6. 1991	300 000 pieces	0
09.2817	ex 8110 00 11	Antimony ingots	31. 12. 1991	3 750 tonnes	0
09.2819	ex 8471 93 50	Hard-disk storage units of 3,5 inches	31. 12. 1991	250 000 pieces	0

(a) See Taric codes in the Annex.

2. Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

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

Article 3

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

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

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authori-

ties of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

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

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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

Article 6

This Regulation shall enter into force on the seventh 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 March 1991.

For the Council

The President

J.-C. JUNCKER

ANNEX

Taric codes

Order No	CN code	Taric code
09.2706	ex 8540 30 10	* 27
09.2817	ex 8110 00 11	* 10
09.2819	ex 8471 93 50	* 20

COMMISSION REGULATION (EEC) No 666/91

of 20 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 19 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 21 March 1991.

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

Done at Brussels, 20 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 20 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	132,77 ⁽²⁾ ⁽³⁾
0712 90 19	132,77 ⁽²⁾ ⁽³⁾
1001 10 10	193,30 ⁽¹⁾ ⁽³⁾
1001 10 90	193,30 ⁽¹⁾ ⁽³⁾
1001 90 91	181,16
1001 90 99	181,16
1002 00 00	155,54 ⁽⁴⁾
1003 00 10	150,73
1003 00 90	150,73
1004 00 10	143,74
1004 00 90	143,74
1005 10 90	132,77 ⁽²⁾ ⁽³⁾
1005 90 00	132,77 ⁽²⁾ ⁽³⁾
1007 00 90	145,18 ⁽¹⁾
1008 10 00	55,07
1008 20 00	137,54 ⁽⁴⁾
1008 30 00	64,58 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	64,58
1101 00 00	267,02 ⁽⁸⁾
1102 10 00	231,24 ⁽⁸⁾
1103 11 10	313,13 ⁽⁸⁾
1103 11 90	286,93 ⁽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 667/91

of 20 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 19 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 21 March 1991.

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

Done at Brussels, 20 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 20 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	4,86	4,86	4,51
0712 90 19	0	4,86	4,86	4,51
1001 10 10	0	1,86	1,86	1,86
1001 10 90	0	1,86	1,86	1,86
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	4,86	4,86	4,51
1005 90 00	0	4,86	4,86	4,51
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 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 668/91

of 20 March 1991

fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance with the second subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas, in accordance with paragraph 2 of that Article, when that rate is being determined particular account should be taken of:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions; and
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas a specific rate of refund should be fixed for eggs in shell, exported in the form of egg albumin, taking into account the difference between the prices of such eggs on the Community market and on the world market;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

ANNEX

to the Commission Regulation of 20 March 1991 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	Rate of refund (ECU/100 kg)
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	- Of poultry :	
0407 00 30	- - Other :	
	a) On exportation of ovalbumin of CN code 3502 10	25,00
	b) On exportation of other goods	18,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	- Egg yolks :	
0408 11	- - Dried :	
ex 0408 11 10	- - - Suitable for human consumption : not sweetened	96,00
0408 19	- - Other :	
	- - - Suitable for human consumption :	
ex 0408 19 11	- - - - Liquid : not sweetened	47,00
ex 0408 19 19	- - - - Frozen : not sweetened	51,00
	- Other :	
0408 91	- - Dried :	
ex 0408 91 10	- - - Suitable for human consumption : not sweetened	90,00
0408 99	- - Other :	
ex 0408 99 10	- - - Suitable for human consumption : not sweetened	15,00

COMMISSION REGULATION (EEC) No 669/91**of 20 March 1991****concerning applications for STM licences for cereals submitted from 15 to 18
March for imports of common wheat into Spain**

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

Having regard to the Act of Accession of Spain and
Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 598/86 of 28
February 1986 on the application of the supplementary
trade mechanism to imports into Spain of common wheat
of bread-making quality from the Community as consti-
tuted at 31 December 1985 ⁽¹⁾, as last amended by Regula-
tion (EEC) No 584/91 ⁽²⁾, sets a target ceiling for 1991 of
452 000 tonnes;

Whereas, pursuant to Article 6 (2) of Commission Regula-
tion (EEC) No 574/86 of 28 February 1986 laying down
detailed rules for the application of the supplementary
trade mechanism (STM) ⁽³⁾, as last amended by Regulation
(EEC) No 3296/88 ⁽⁴⁾, the Commission has been notified
of applications received on 18 March 1991 for STM
licences for imports of common wheat of bread-making

quality into Spain which are well in excess of the ceiling
set; whereas measures should be taken to deal with this
situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences for common wheat of
bread-making quality falling within CN code 1001 90 99
which were submitted from 15 to 18 March 1991 and
notified to the Commission shall be accepted for the
tonnages applied for, adjusted by a coefficient of 0,06.
2. The issue of STM licences for applications received
from 19 March 1991 onwards is hereby suspended.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 16.

⁽²⁾ OJ No L 65, 12. 3. 1991, p. 34.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁴⁾ OJ No L 293, 27. 10. 1988, p. 7.

COMMISSION REGULATION (EEC) No 670/91

of 20 March 1991

fixing the sluice-gate prices and levies for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 8 and 12 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, must be fixed in advance for each quarter in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1611/90 of 15 June 1990 fixing the sluice-gate prices and levies on pigmeat⁽³⁾;

Whereas, since sluice-gate prices and levies for pigmeat were last fixed by Commission Regulation (EEC) No 3863/90⁽⁴⁾, for the period 1 January to 31 March 1991, they must be fixed anew for the period 1 April to 30 June 1991; whereas such prices and levies should in principle be fixed by reference to feed grain prices for the period 1 October 1990 to 28 February 1991;

Whereas, when the sluice-gate price applicable from 1 October, 1 January and 1 April is being fixed, trends in world market prices for feed grain are to be taken into account only if the value of the quantity of feed grain required varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter; whereas this minimum was fixed by Regulation (EEC) No 2766/75 of the Council⁽⁵⁾, as last amended by Regulation (EEC) No 3906/87⁽⁶⁾, at 3 %;

Whereas the value of the quantity of feed grain varies by more than 3 % from that used for the preceding quarter; whereas trends in world market prices for feed grain must therefore be taken into account when fixing sluice-gate prices for the period 1 April to 30 June 1991;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is being fixed;

Whereas, since a new sluice-gate price has been fixed trends in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, in the case of pigment products, in respect of which the rate of duty has been bound within GATT, the levies should be limited to the amounts resulting from that binding;

Whereas, by Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁷⁾ and Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁸⁾, as amended by Regulation (EEC) No 523/90⁽⁹⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain pigmeat products;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 April to 30 June 1991, the sluice-gate prices and the levies provided for in Articles 12 and 8 respectively of Regulation (EEC) No 2759/75 for

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 18.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 68.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽⁶⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽⁷⁾ OJ No L 370, 31. 12. 1990.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 58, 5. 3. 1991, p. 1.

the products specified in Article 1 (1) of that Regulation shall be as shown in the Annex.

1602 20 90 or 1602 90 10, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

2. Provided that, in the case of products falling within CN codes 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10, 1602 10 00,

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 March 1991 fixing the sluice-gate prices and levies on pigmeat

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
0103 91 10	65,31	54,84	—
0103 92 11	55,54	46,64	—
0103 92 19	65,31	54,84	—
0203 11 10	84,93	71,31	—
0203 12 11	123,15	103,40	—
0203 12 19	95,12	79,87	—
0203 19 11	95,12	79,87	—
0203 19 13	137,59	115,52	—
0203 19 15	73,89	62,04	—
0203 19 55	137,59	115,52	—
0203 19 59	137,59	115,52	—
0203 21 10	84,93	71,31	—
0203 22 11	123,15	103,40	—
0203 22 19	95,12	79,87	—
0203 29 11	95,12	79,87	—
0203 29 13	137,59	115,52 ⁽¹⁾	—
0203 29 15	73,89	62,04	—
0203 29 55	137,59	115,52 ⁽¹⁾	—
0203 29 59	137,59	115,52	—
0206 30 21	102,77	86,29	7
0206 30 31	74,74	62,75	4
0206 41 91	102,77	86,29	7
0206 49 91	74,74	62,75	4
0209 00 11	33,97	28,52	—
0209 00 19	37,37	31,38	—
0209 00 30	20,38	17,11	—
0210 11 11	123,15	103,40 ⁽¹⁾	—
0210 11 19	95,12	79,87	—
0210 11 31	239,50	201,09	—
0210 11 39	188,54	158,31	—
0210 12 11	73,89	62,04 ⁽¹⁾	—
0210 12 19	123,15	103,40	—
0210 19 10	108,71	91,28	—
0210 19 20	118,90	99,83	—
0210 19 30	95,12	79,87	—
0210 19 40	137,59	115,52 ⁽¹⁾	—
0210 19 51	137,59	115,52	—
0210 19 59	137,59	115,52	—
0210 19 60	188,54	158,31	—
0210 19 70	236,95	198,95	—
0210 19 81	239,50	201,09	—
0210 19 89	239,50	201,09	—
0210 90 31	102,77	86,29	—
0210 90 39	74,74	62,75	—
1501 00 11	27,18	22,82	3
1501 00 19	27,18	22,82	—
1601 00 10	118,90	116,53 ⁽²⁾	24
1601 00 91	199,59	201,26 ^{(1) (2)}	—

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
1601 00 99	135,89	136,23 ⁽¹⁾ ⁽²⁾	—
1602 10 00	95,12	100,66	26
1602 20 90	110,41	139,31	25
1602 41 10	208,08	209,13	—
1602 42 10	174,11	171,34	—
1602 49 11	208,08	218,24	—
1602 49 13	174,11	185,84	—
1602 49 15	174,11	168,01 ⁽¹⁾	—
1602 49 19	114,66	113,89 ⁽¹⁾	—
1602 49 30	95,12	96,87	—
1602 49 50	56,90	66,57	—
1602 90 10	110,41	113,97	26
1602 90 51	114,66	112,55	—
1902 20 30	56,90	63,24	—

⁽¹⁾ The levy on products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽²⁾ The levy on products originating in the ACP States/OCT countries and listed in Article 8 of amended Regulation (EEC) No 715/90 reduced by 50 % within the limits of the quotas referred to in that Regulation.

NB: The CN codes and the footnotes are defined in amended Commission Regulation (EEC) No 2658/87 (OJ No L 256, 7. 9. 1987, p. 1).

COMMISSION REGULATION (EEC) No 671/91

of 19 March 1991

on the supply of various lots of skimmed-milk powder as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 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 beneficiary organizations 730 tonnes of skimmed-milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

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, 19 March 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

1. **Operation No :** 1257/90 ⁽¹⁾
2. **Programme :** 1990
3. **Recipient :** World Food Programme, Via Cristoforo Colombo 426, 00145 ROME — Telex 626675 i wfp
4. **Representative of the recipient ⁽²⁾ :** See OJ No C 103, 16. 4. 1987
5. **Place or country of destination :** Somalia
6. **Product to be mobilized :** Vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾ :**
(See OJ No C 216, 14. 8. 1987, p. 4 I.1.B.1 to I.1.B.3)
8. **Total quantity :** 730 tonnes
9. **Number of lots :** 1
10. **Packaging and marking :** 25 kg
OJ No C 216, 14. 8. 1987, p. 4 and 6 (I.1.B.4. and I.B.4.3).
Supplementary markings on packaging :
'ACTION No 1257/90 / SOMALIA 04167 / VSMP / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME'
and see OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization :** Community market
The skimmed-milk powder must be manufactured and the vitamins incorporated after the award of the tender.
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 :** 26. 4 to 8. 5. 1991
18. **Deadline for the supply :** —
19. **Procedure for determining the costs of supply :** invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders ⁽⁵⁾ :** 12 noon on 8. 4. 1991
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 22. 4. 1991 ;
 - (b) period for making the goods available at the port of shipment : 10 to 22. 5. 1991
 - (c) deadline for the supply : —
22. **Amount of tendering security :** ECU 20 per tonne
23. **Amount of delivery security :** 10 % of the tender in ecus
24. **Address for submission of tenders :**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. AREND,
Bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Brussels
(telex AGREC 22037 B or 25670 B)
25. **Refund payable on application by the successful tenderer ⁽⁶⁾ :** Refund applicable on 1. 3. 1991, fixed by Commission Regulation (EEC) No 502/91 (OJ No L 55, 1. 3. 1991, p. 74)

Notes:

- (¹) The operation number is to be quoted in all correspondence.
 - (²) The successful tenderer shall deliver to the beneficiary for each action number/shipping number 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.
Radioactivity analysis must indicate the caesium-134 and -137 levels.
 - (³) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - by porter at the office referred to in point 24 of 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) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annexes.
 - (⁶) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
 - (⁷) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
-

COMMISSION REGULATION (EEC) No 672/91

of 20 March 1991

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 148/91

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⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging ⁽⁵⁾ has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas as there are outlets in certain third countries for the products concerned, part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁶⁾, as last amended by Regulation (EEC) No 625/91 ⁽⁷⁾;

Whereas in order to ensure that beef sold is exported, lodging of security, as specified in Article 5 (a) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 582/91 ⁽⁹⁾; whereas the Annex to the said Regulation should be modified;

Whereas Commission Regulation (EEC) No 148/91 ⁽¹⁰⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- 5 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 January 1991;
- 3 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in between 15 June 1990 and 1 January 1991;
- 2 000 tonnes of boneless beef held by the Italian intervention agency and bought in before 1 January 1991;
- 2 000 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 January 1991.

2. This meat shall be for export.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹¹⁾ shall not apply to this sale.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 68, 15. 3. 1991, p. 29.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 65, 12. 3. 1991, p. 27.

⁽¹⁰⁾ OJ No L 17, 23. 1. 1991, p. 11.

⁽¹¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 27 March 1991.

6. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 450 per 100 kilograms of boneless beef.

Article 4

In respect of meat referred to under (b) in Annex I and sold under this Regulation no export refund shall be granted.

Article 5

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item and footnote are added:

'81. Commission Regulation No 672/91 of 20 March 1991 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export ⁽⁸¹⁾.

⁽⁸¹⁾ OJ No L 75, 21. 3. 1991, p. 20.'

Article 6

Regulation (EEC) No 148/91 is hereby repealed.

Article 7

This Regulation shall enter into force on 26 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I*

Precio mínimo expresado en ecus por tonelada⁽¹⁾ — Mindestpreise in ECU/ton⁽¹⁾ — Mindestpreise, ausgedrückt in ECU/Tonne⁽¹⁾ — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο⁽¹⁾ — Minimum prices expressed in ECU per tonne⁽¹⁾ — Prix minimaux exprimés en écus par tonne⁽¹⁾ — Prezzi minimi espressi in ecu per tonnellata⁽¹⁾ — Minimumprijzen uitgedrukt in ecu per ton⁽¹⁾ — Preço mínimo expresso em ecus por tonelada⁽¹⁾

1. IRELAND

a) Fillets	6 850
Striploins	3 150
Insides	2 450
Outsides	2 450
Knuckles	2 450
Rumps	2 450
Cube-rolls	4 250
b) Briskets	600
Forequarters	1 100
Shins/shanks	1 100
Plates/Flanks	500

2. UNITED KINGDOM

a) Fillets	6 850
Striploins	3 150
Topsides	2 450
Silversides	2 450
Thick flanks	2 450
Rumps	2 450
b) Shins and shanks	1 100
Clod and sticking	1 100
Ponies	1 100
Thin flanks	500
Forequarter flanks	500
Briskets	600
Foreribs	1 100

3. ITALIA

a) Filetto	6 850
Roastbeef	3 150
Scamone	2 450
Fesa esterna	2 450
Fesa interna	2 450
Noce	2 450
Girello	2 450
b) Garretto/pesce	700
Collo/sottospalla	1 000
Spalle/garretto	700
Pancia	500
Petto	700
Sottospalla	1 000
Collo	1 000

4. DANMARK

a) Mørbrad med bimørbrad	6 850
Filet med entrecôte	3 150
og tyndsteg	2 450
Inderlår med kappe	2 450
Tykstegsfilet med kappe	2 450
Klump med kappe	2 450
Yderlår med lårtunge	2 450
b) Bryst og slag	500
Øvrigt kød af forfjerdinger	1 100

⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos
de intervenção**

- IRELAND:** Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext 22 78
Telex 4280 and 5118
- UNITED KINGDOM:** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302
- ITALIA:** Azienda di Stato per gli interventi
nel mercato agricolo (AIMA)
via Palestro 81, Roma
Tel. 495 72 83 — 495 92 61
Telex 613003
- DANMARK:** Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
(tlf. (33) 92 70 00, telex 151 27 DK)
-

COMMISSION REGULATION (EEC) No 673/91

of 20 March 1991

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to the Soviet Union, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 3712/90

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⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks; whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export either in the same state or after cutting and/or repacking ⁽⁵⁾ has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas in view of the supply needs in the Soviet Union part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85 in order to be imported into that country;

Whereas, in view of the present situation on the Soviet market and in particular of the abovementioned supply problems, the sale must be made subject to the presentation of contracts concluded with the sole body acting on behalf of the Soviet Government; whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in

order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁶⁾, as last amended by Regulation (EEC) No 625/91 ⁽⁷⁾;

Whereas in order to ensure that beef sold is exported to the intended destination the lodging of security, as specified in of Article 5 (a) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provision of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 672/91 ⁽⁹⁾; whereas the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 3712/90 ⁽¹⁰⁾ should be repealed.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:
 - 10 000 tonnes of bone-in beef held by the German intervention agency and bought in before 1 January 1991;
 - 40 000 tonnes of bone-in beef held by the French intervention agency and bought in before 1 January 1991;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 68, 15. 3. 1991, p. 29.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ See page 20 of this Official Journal.

⁽¹⁰⁾ OJ No L 358, 21. 12. 1990, p. 23.

— 25 000 tonnes of boned beef held by the Irish intervention agency and bought in before 1 January 1991.

2. This meat must be imported into the Soviet Union.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. An offer shall be valid only if:

- it relates to a total minimum quantity of 15 000 tonnes expressed in product weight,
- it is composed by 62,5 % of bone-in beef and 37,5 % of boneless beef, calculated in product weight,
- it relates to an equal weight of forequarters and hindquarters and shall contain a single price per tonne expressed in ecus for the whole quantity of bone-in beef specified in the offer,
- in respect of boneless beef it relates to a lot comprising all the cuts referred to in Annex II in the percentages stated therein and shall contain a single price per tonne expressed in ecus of the lot made up in this fashion,
- it is accompanied by a copy of a sales contract for a quantity of beef at least equal to the quantity applied for, concluded by the applicant with Prodintorg⁽²⁾.

6. In order to meet the conditions provided for by paragraph 5 the operator may submit part offers relating to bone-in beef in several Member States. If so, those offers shall contain the same price expressed in ECUS.

Immediately after submitting tenders or purchase applications the operator shall send a copy hereof to the Commission of the European Communities, Division VI/D.2, 130 rue de la loi, B-1049 Brussels (telex 220 37 b Agrec).

7. The highest tenderer as referred to in Article 10 (2) of Commission Regulation (EEC) No 2173/79⁽³⁾ is the tenderer who offers the highest weighted average price.

8. Intervention agencies shall only conclude selling contracts upon verification, in collaboration with the Commission's Services, that the conditions referred to in paragraphs 5, 6 and 7 have been met.

9. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 26 March 1991.

10. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex III.

Article 2

1. Before taking over the meat the purchaser shall lodge with the intervention agency in respect of each quantity he takes over, a security intended to guarantee payment of the purchase price. The amount of the security per 100 kilograms shall be equal to the purchase price plus 10 ECU.

2. By way of derogation from Article 19 of Regulation (EEC) No 2173/79 the purchase price shall, in respect of each quantity taken over by the purchaser, be paid to the intervention agency within three months of the date on which the meat is taken over.

3. As regards the security provided for in paragraph 1 the payment within three months as referred to in paragraph 2 shall constitute a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽⁴⁾.

Article 3

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 4

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be:

- ECU 300 per 100 kilograms of bone-in beef,
- ECU 500 per 100 kilograms of boneless beef.

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ Vvo. Prodintorg, 32-34, Smolenskaia, Moscow, Moscou USSR.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

Article 5

In respect of meat sold under this Regulation no export refund shall be granted.

In the removal order referred to in Article 3 of Regulation (EEC) No 569/88, the export declaration, and, where appropriate, the T 5 control copy shall be entered:

'Sin restitución [Reglamento (CEE) n° 673/91];

Uden restitution [Forordning (EØF) nr. 673/91];

Keine Erstattung [Verordnung (EWG) Nr. 673/91];

χωρίς επιστροφή [κανονισμός (ΕΟΚ) αριθ. 673/91];

Without refund [Regulation (EEC) No 673/91];

Sans restitution [Règlement (CEE) n° 673/91];

Senza restituzione [Regolamento (CEE) n. 673/91];

Zonder restitutie [Verordening (EEG) nr. 673/91];

Sem restituição [Regulamento (CEE) n° 673/91].'

Article 6

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock' the following item and footnote are added:

'82. Commission Regulation (EEC) No 673/91 of 20 March 1991 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to the Soviet Union ⁽⁸²⁾.

⁽⁸²⁾ OJ No L 75, 21. 3. 1991, p. 24.'

Article 7

Regulation (EEC) No 3712/90 is hereby repealed.

Article 8

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, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkte Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
Bundesrepublik Deutschland	— Vorderviertel, stammend von : Kategorien A/C	5 000	485
	— Hinterviertel, stammend von : Kategorien A/C	5 000	485
France	— Quartiers avant, provenant de : Catégorie A/C, classes U, R et O	20 000	485
	— Quartiers arrière, provenant de : Catégorie A/C, classes U, R et O	20 000	485
Ireland	— Boned cuts from : category C, classes U, R and O	25 000	700 (1)

(1) Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo II.

(1) Minimumpris pr. ton produkt efter fordelingen i bilag II.

(1) Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang II angegebenen Zusammensetzung.

(1) Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα II.

(1) Minimum price per tonne of products made up according to the percentages referred to in Annex II.

(1) Prix minimum par tonne de produit selon la répartition visée à l'annexe II.

(1) Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato II.

(1) Minimumprijzen per ton produkt volgens de in bijlage II aangegeven verdeling.

(1) Preço mínimo por tonelada de produto segundo a repartição indicada no anexo II.

ANNEX II

Repartition of the lot meant in the fourth subparagraph of Article 1 (5)

Cuts	Weight percentage
Striploins	5,5 %
Insides	9,1
Outsides	8,6
Knuckles	5,4
Rumps	5,8
Briskets	7,9
Forequarters	30,2
Shins/shanks	6,6
Plates/flanks	20,9
Total lot :	100,0

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ III — ANNEX III — ANNEXE III
— ALLEGATO III — BIJLAGE III — ANEXO III*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

**BUNDESREPUBLIK
DEUTSCHLAND :** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (06 9) 1 56 40 App. 772/773, Telex : 04 11 56

FRANCE : OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 4538 84 00, télex 26 06 43

IRELAND : Department of Agriculture + Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

COMMISSION REGULATION (EEC) No 674/91

of 20 March 1991

amending Regulation (EEC) No 833/87 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic basmati variety

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3877/86 of 16 December 1986 on imports of rice of the long-grain aromatic basmati variety falling within CN codes 1006 20 and 1006 30 ⁽¹⁾, and in particular Article 3 thereof,

Whereas Article 6 ⁽²⁾ of Commission Regulation (EEC) No 833/87, as amended by Regulation (EEC) No 1546/87 ⁽³⁾, lays down that the maximum quantities which may be released for free circulation under that Regulation for the period 1 January to 30 June 1991 may not exceed the equivalent of 5 000 tonnes of husked rice; whereas, in order to ensure that that provision is complied with, it is appropriate to provide that the term of validity of licences issued in April may not extend beyond 30 June 1991;

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 second subparagraph of Article 5 (4) of Regulation (EEC) No 833/87 is hereby replaced by the following:

'However, the period of validity of import licences may not expire later than 31 December of the year of issue or later than 30 June for licences issued in April 1991.'

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, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 361, 20. 12. 1986, p. 1.

⁽²⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽³⁾ OJ No L 144, 4. 6. 1987, p. 10.

COMMISSION REGULATION (EEC) No 675/91

of 20 March 1991

amending Regulation (EEC) No 891/89 on special detailed rules for the application of the system of import and export licences for cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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 Articles 12 (2) and 16 (6) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾, and in particular Articles 10 (2) and 17 (6) thereof,Whereas, with a view to the grant of export refunds for limited quantities owing to budgetary constraints, the situation on the Community market or the situation on the world market, Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽⁵⁾, as last amended by Regulation (EEC) No 3633/90 ⁽⁶⁾, lays down a special procedure for issuing export licences to be applied until 30 June 1991 for the cereals listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75;

Whereas the reasons for granting refunds for limited quantities remain valid for cereals beyond 30 June 1991 and also apply at present to the rice sector; whereas the application of the procedure in question, which has proved to be suitable for granting such refunds, should be extended accordingly;

Whereas Regulation (EEC) No 891/89 should accordingly be amended;

HAS ADOPTED THIS REGULATION:

Article 1

Article 9 (4) of Regulation (EEC) No 891/89 is hereby replaced by the following:

'4. Where this paragraph is referred to specifically when an export refund is fixed for the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 and of products listed in Article 1 (1) (a) of Regulation (EEC) No 1418/76, applications for export licences must be accompanied by a declaration by telex or telefax from the importing country that a delivery contract has been concluded, where applicable subject to the issue of the licence. The declaration must indicate a quantity covered by the contract in respect of which the licence is applied for and a delivery period within the term of validity of that licence. The relevant licences shall entail the advance fixing of the refund and shall only be issued on the third working day following the day on which the application is lodged provided that special measures are not taken within that time limit.

If quantities in applications for export licences as referred to in this paragraph exceed the quantities which may be committed for export as indicated in the Regulation fixing the refund in question, the Commission may fix a uniform percentage reduction in the quantities. Applications for licences may be withdrawn within two days of the date of publication of the percentage reduction.'

Article 2

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁶⁾ OJ No L 353, 18. 12. 1990, p. 10.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 676/91

of 20 March 1991

fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

Whereas, in the case of products falling within CN codes 0210 19 51 and 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the

Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 91 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

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

Whereas Article 4 of Regulation (EEC) No 2768/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

ANNEX

to the Commission Regulation of 20 March 1991 fixing the export refunds on pigmeat

(ECU/100 kg net weight)		
Product code	Destination of refund (1)	Amount of refund
0103 91 10 000	01	20,00
0103 92 19 000	01	20,00
0203 11 10 000	01	30,00
0203 12 11 000	01	30,00
0203 12 19 000	01	30,00
0203 19 11 000	01	30,00
0203 19 13 000	01	30,00
0203 19 15 000	01	20,00
0203 19 55 120	01	30,00
0203 19 55 190	01	30,00
0203 19 55 310	01	20,00
0203 19 55 390	01	20,00
0203 19 55 900	01	—
0203 21 10 000	01	30,00
0203 22 11 000	01	30,00
0203 22 19 000	01	30,00
0203 29 11 000	01	30,00
0203 29 13 000	01	30,00
0203 29 15 000	01	20,00
0203 29 55 120	01	30,00
0203 29 55 190	01	30,00
0203 29 55 310	01	20,00
0203 29 55 390	01	20,00
0203 29 55 900	01	—
0210 11 11 000	01	30,00
0210 11 31 100	01	70,00
0210 11 31 900	01	52,00
0210 12 11 000	01	20,00
0210 12 19 000	01	35,00
0210 19 40 000	01	30,00
0210 19 51 100	01	30,00

<i>(ECU/100 kg net weight)</i>		
Product code	Destination of refund (1)	Amount of refund
0210 19 51 300	01	20,00
0210 19 51 900	01	—
0210 19 81 100	01	70,00
0210 19 81 300	01	52,00
0210 19 81 900	01	—
1601 00 10 100	01	35,00
1601 00 10 900	01	—
1601 00 91 100	01	58,00
1601 00 91 900	01	—
1601 00 99 100	01	40,00
1601 00 99 900	01	—
1602 10 00 000	01	16,00
1602 20 90 100	01	30,00
1602 20 90 900	01	—
1602 41 10 100	01	30,00
1602 41 10 210	01	57,00
1602 41 10 290	01	26,00
1602 41 10 900	01	—
1602 42 10 100	01	30,00
1602 42 10 210	01	51,00
1602 42 10 290	01	26,00
1602 42 10 900	01	—
1602 49 11 110	01	30,00
1602 49 11 190	01	57,00
1602 49 11 900	01	—
1602 49 13 110	01	30,00
1602 49 13 190	01	51,00
1602 49 13 900	01	—
1602 49 15 110	01	30,00
1602 49 15 190	01	51,00
1602 49 15 900	01	—
1602 49 19 110	01	20,00
1602 49 19 190	01	36,00
1602 49 19 900	01	—
1602 49 30 100	01	26,00
1602 49 30 900	01	—
1602 49 50 100	01	16,00
1602 49 50 900	01	—
1602 90 10 100	01	28,00
1602 90 10 900	01	—
1902 20 30 100	01	16,00
1902 20 30 900	01	—

(¹) The destinations are as follows :

- 01 All destinations,
- 02 The United States of America and Canada,
- 03 All destinations except the United States of America and Canada,
- 04 The United States of America, Canada and Australia,
- 05 All destinations except the United States of America, Canada and Australia.

NB : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 677/91
of 20 March 1991

amending Regulation (EEC) No 2250/90 as regards the countervailing charges to be levied where the minimum import price applicable to dried grapes is not met

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2201/90 ⁽²⁾, and in particular Article 9 (6) thereof,

Whereas Commission Regulation (EEC) No 2250/90 ⁽³⁾, as last amended by Regulation (EEC) No 223/91 ⁽⁴⁾, fixes the minimum import price and the countervailing charges to be levied where the minimum import price applicable to dried grapes is not met;

Whereas Article 2 (2) of Council Regulation (EEC) No 2089/85 of 23 July 1985 establishing general rules relating to the system of minimum import prices for dried grapes ⁽⁵⁾ provides that the maximum countervailing charge is to be determined on the basis of the most favourable prices applying on the world market for signi-

ficant quantities by the most representative third countries; whereas, on the basis of the prices applying on the world market, which are now known, the countervailing charges currently in force should be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II, 'Countervailing charges', to Regulation (EEC) No 2250/90 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 22 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 1.

⁽³⁾ OJ No L 203, 1. 8. 1990, p. 57.

⁽⁴⁾ OJ No L 26, 31. 1. 1991, p. 30.

⁽⁵⁾ OJ No L 197, 27. 7. 1985, p. 10.

ANNEX

Countervailing charges

1. Currants falling within CN code 0806 20 11

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
956,72	947,16	9,56
947,16	928,02	28,70
928,02	899,32	57,40
899,32	870,62	86,10
870,62		141,32

2. Currants falling within CN code 0806 20 91

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
854,39	845,85	8,54
845,85	828,76	25,63
828,76	803,13	38,99
803,13	777,50	38,99
777,50		38,99

3. Dried grapes falling within CN codes 0806 20 12 and 0806 20 18

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
1 000,88	990,88	10,00
990,88	970,86	30,02
970,86	940,83	60,05
940,83	910,81	90,08
910,81		185,48

4. Dried grapes falling within CN codes 0806 20 92 and 0806 20 98

(ECU per tonne)

Import price applied		Countervailing charge to be levied
less than	but not less than	
893,83	884,90	8,93
884,90	867,02	26,81
867,02	840,21	53,63
840,21	813,39	78,43
813,39		78,43

COMMISSION REGULATION (EEC) No 678/91

of 20 March 1991

fixing the import levy on molasses

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 market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 15/91⁽³⁾, as last amended by Regulation (EEC) No 469/91⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 15/91 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

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

the last 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 19 March 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,00 per 100 kilograms.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 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 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 2, 4. 1. 1991, p. 8.

⁽⁴⁾ OJ No L 54, 28. 2. 1991, p. 31.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 679/91**of 20 March 1991****fixing the maximum export refund for white sugar for the 46th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90**

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 464/91 ⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, as amended by Regulation (EEC) No 2786/90 ⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 983/90, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 46th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 46th partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 39,249 per 100 kilograms.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 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 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 100, 20. 4. 1990, p. 9.

⁽⁴⁾ OJ No L 265, 28. 9. 1990, p. 15.

COMMISSION REGULATION (EEC) No 680/91

of 20 March 1991

abolishing the countervailing charge on cucumbers originating in Bulgaria

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 the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 607/91⁽³⁾ introduced a countervailing charge on cucumbers originating in Bulgaria;

Whereas the present trend of prices for products originating in Bulgaria on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or

calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Bulgaria can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 607/91 is hereby repealed.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 67, 14. 3. 1991, p. 37.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 681/91
of 20 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 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 611/91⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 637/91⁽⁷⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 637/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁸⁾ 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 rape seed shall be confirmed or replaced with effect from 21 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 21 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 70, 18. 3. 1991, p. 43.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 69, 16. 3. 1991, p. 10.

⁽⁸⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

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

(amounts per 100 kg)

	Current 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	10,913	10,912
— Portugal	27,245	27,323	27,329	27,329	17,883	17,882
— Other Member States	20,275	20,353	20,359	20,359	10,913	10,912
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	47,73	47,91	47,93	47,93	25,69	25,69
— Netherlands (Fl)	53,78	53,99	54,00	54,00	28,95	28,94
— BLEU (Bfrs/Lfrs)	984,48	988,27	988,56	988,56	529,89	529,85
— France (FF)	160,08	160,70	160,75	160,75	86,17	86,16
— Denmark (Dkr)	182,07	182,77	182,82	182,82	98,00	97,99
— Ireland (£ Irl)	17,817	17,886	17,891	17,891	9,590	9,589
— United Kingdom (£)	15,496	15,554	15,553	15,553	8,099	8,072
— Italy (Lit)	35 713	35 851	35 861	35 861	19 223	19 091
— Greece (Dr)	4 103,19	4 100,74	4 061,46	4 028,70	1 778,54	1 661,08
— Spain (Pta)	0,00	0,00	0,00	0,00	1 762,78	1 744,21
— Portugal (Esc)	5 739,27	5 756,22	5 756,28	5 747,23	3 789,50	3 747,15

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	0,585	0,663	0,669	0,669	13,413	13,412
— Portugal	29,745	29,823	29,829	29,829	20,383	20,382
— Other Member States	22,775	22,853	22,859	22,859	13,413	13,412
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,62	53,80	53,81	53,81	31,58	31,57
— Netherlands (Fl)	60,41	60,62	60,63	60,63	35,58	35,58
— BLEU (Bfrs/Lfrs)	1 105,87	1 109,66	1 109,95	1 109,95	651,29	651,24
— France (FF)	179,82	180,44	180,49	180,49	105,90	105,90
— Denmark (Dkr)	204,52	205,22	205,27	205,27	120,45	120,44
— Ireland (£ Irl)	20,014	20,083	20,088	20,088	11,787	11,786
— United Kingdom (£)	17,445	17,503	17,502	17,502	10,048	10,021
— Italy (Lit)	40 117	40 254	40 265	40 265	23 626	23 495
— Greece (Dr)	4 660,45	4 658,00	4 618,72	4 585,97	2 335,80	2 218,34
— Spain (Pta)	183,85	196,70	198,94	190,41	2 145,02	2 126,45
— Portugal (Esc)	6 260,96	6 277,91	6 277,97	6 268,92	4 311,19	4 268,84

(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	30,395	30,519	30,254	30,152	30,152
— Portugal	39,318	39,446	39,192	39,092	39,092
— Other Member States	27,078	27,206	26,952	26,852	26,852
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	63,75	64,05	63,45	63,21	63,21
— Netherlands (Fl)	71,83	72,17	71,49	71,23	71,23
— BLEU (Bfrs/Lfrs)	1 314,81	1 321,02	1 308,69	1 303,83	1 303,83
— France (FF)	213,80	214,81	212,80	212,01	212,01
— Denmark (Dkr)	243,16	244,31	242,03	241,13	241,13
— Ireland (£ Irl)	23,795	23,908	23,685	23,597	23,597
— United Kingdom (£)	20,790	20,887	20,677	20,597	20,597
— Italy (Lit)	47 697	47 922	47 475	47 298	47 298
— Greece (Dr)	5 607,03	5 615,39	5 507,03	5 446,79	5 446,79
— Portugal (Esc)	8 257,53	8 284,90	8 231,95	8 202,34	8 202,34
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 727,31	4 747,22	4 709,82	4 687,35	4 687,35
— in another Member State (Pta)	4 783,75	4 804,22	4 768,42	4 746,42	4 746,42

(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	2,051940	2,049760	2,048580	2,046430	2,046430	2,041820
Fl	2,309930	2,307780	2,306530	2,303990	2,303990	2,298790
Bfrs/Lfrs	42,255100	42,218100	42,192899	42,147000	42,147000	42,065700
FF	6,989050	6,983320	6,980350	6,973840	6,973840	6,962630
Dkr	7,879960	7,878600	7,878780	7,875040	7,875040	7,868770
£Irl	0,771150	0,771288	0,772288	0,772491	0,772491	0,774934
£	0,700926	0,702229	0,703319	0,704068	0,704068	0,705727
Lit	1 531,13	1 533,52	1 536,11	1 537,72	1 537,72	1 544,90
Dr	221,06700	223,22200	225,52300	227,78400	227,78400	234,08500
Esc	178,55400	178,99600	179,58500	180,16000	180,16000	182,21600
Pta	127,68600	128,09900	127,83500	128,73700	128,73700	129,57100

COMMISSION REGULATION (EEC) No 682/91**of 20 March 1991****altering the export refunds on white sugar and raw sugar exported in the natural state**

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 464/91⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 603/91⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 603/91 to the informa-

tion 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 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 603/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 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 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 67, 14. 3. 1991, p. 31.

ANNEX

to the Commission Regulation of 20 March 1991 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	35,30 ⁽¹⁾	
1701 11 90 910	33,75 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,30 ⁽¹⁾	
1701 12 90 910	33,75 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3837
1701 99 10 100	38,37	
1701 99 10 910	36,69	
1701 99 10 950	36,69	
1701 99 90 100		0,3837

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 683/91**of 20 March 1991****altering the corrective amount applicable to the refund on cereals**

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 3577/90 ⁽²⁾, and in particular the fourth sentence of
the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75
of 29 October 1975 laying down general rules for granting
export refunds on cereals and criteria for fixing the
amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund
on cereals was fixed by Commission Regulation (EEC) No
486/91 ⁽⁴⁾, as amended by Regulation (EEC) No
661/91 ⁽⁵⁾;

Whereas, on the basis of today's cif prices and cif forward
delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present
applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of
Regulation (EEC) No 2727/75, fixed in the Annex to
amended Regulation (EEC) No 486/91 which is appli-
cable to the export refunds fixed in advance in respect of
cereals, is hereby altered to the amounts set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 55, 1. 3. 1991, p. 33.

⁽⁵⁾ OJ No L 73, 20. 3. 1991, p. 23.

ANNEX

to the Commission Regulation of 20 March 1991 altering the corrective amount applicable
to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	- 40,00	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1003 00 90 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 130	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 150	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 170	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 180	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 600	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 All third countries.

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 684/91
of 20 March 1991
altering the export refunds on milk and milk products

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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3641/90⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the export refunds on milk and milk products were fixed by Commission Regulation (EEC) No 627/91⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 627/91 to the

information known to the Commission that the export refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EEC) No 627/91 are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽³⁾ OJ No L 68, 15. 3. 1991, p. 33.

ANNEX

to the Commission Regulation of 20 March 1991 altering the export refunds on milk and milk products

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

Product code	Destination	Amount of refund
0405 00 10 100	056 ...	—
0405 00 10 200		128,54
0405 00 10 300		161,71
0405 00 10 500		165,85
0405 00 10 700		198,00 (*)
0405 00 90 100		170,00

COMMISSION REGULATION (EEC) No 685/91

of 20 March 1991

on applications for export licences with advance fixing of the refund for durum
wheat groats and meal covered by product code 1103 11 10 100

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⁾,

Having regard to Commission Regulation (EEC) No
891/89 of 5 April 1989 on special detailed rules for the
application of the system of import and export licences
for cereals and rice ⁽³⁾, as last amended by Regulation
(EEC) No 675/91 ⁽⁴⁾, and in particular Article 9 (4) thereof,

Whereas Article 9 (4) of Regulation (EEC) No 891/89 lays
down rules for issuing export licences within a certain
time limit unless special measures are taken; whereas
provision is also made to fix, where appropriate, a
uniform percentage reduction in the admissible quantities
applied for; whereas admissible licence applications
lodged on 15 March 1991 are for 526 520 tonnes and the
maximum quantity that may be committed is 140 000

tonnes; whereas a corresponding percentage reduction
should be set for the quantities covered by applications
lodged on 15 March 1991,

HAS ADOPTED THIS REGULATION:

Article 1

Admissible export licence applications for durum wheat
groats and meal covered by product code 1103 11 10 100
with advance fixing of the refund lodged on 15 March
1991 and notified to the Commission before 16 March
1991 are hereby accepted for the tonnages applied for
multiplied by a coefficient of 0,26. Applications not noti-
fied to the Commission before 16 March 1991 are hereby
rejected.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 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 94, 7. 4. 1989, p. 13.

⁽⁴⁾ See page 30 of this Official Journal.

COMMISSION REGULATION (EEC) No 686/91

of 20 March 1991

on applications for export licences with advance fixing of the refund for durum
wheat groats and meal covered by product code 1103 11 10 200

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⁾,

Having regard to Commission Regulation (EEC) No
891/89 of 5 April 1989 on special detailed rules for the
application of the system of import and export licences
for cereals and rice ⁽³⁾, as last amended by Regulation
(EEC) No 675/91 ⁽⁴⁾, and in particular Article 9 (4) thereof,

Whereas Article 9 (4) of Regulation (EEC) No 891/89 lays
down rules for issuing export licences within a certain
time limit unless special measures are taken; whereas
provision is also made to fix, where appropriate, a
uniform percentage reduction in the admissible quantities
applied for; whereas admissible licence applications
lodged on 15 March 1991 are for 37 600 tonnes and the
maximum quantity that may be committed is 20 000

tonnes; whereas a corresponding percentage reduction
should be set for the quantities covered by applications
lodged on 15 March 1991,

HAS ADOPTED THIS REGULATION:

Article 1

Admissible export licence applications for durum wheat
groats and meal covered by product code 1103 11 10 200
with advance fixing of the refund lodged on 15 March
1991 and notified to the Commission before 16 March
1991 are hereby accepted for the tonnages applied for
multiplied by a coefficient of 0,53. Applications not noti-
fied to the Commission before 16 March 1991 are hereby
rejected.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 20 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 94, 7. 4. 1989, p. 13.

⁽⁴⁾ See page 30 of this Official Journal.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 18 March 1991

revoking Directive 75/404/EEC on the restriction of the use of natural gas in power stations

(91/148/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 (4) thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the implementation of a Community energy policy is one of the objectives that the Community has set itself;

Whereas the security of Community energy supplies requires the development of all its sources of energy;

Whereas natural gas is one such source which, moreover, has specific advantages for the production of electricity in terms of limiting emissions of pollutants;

Whereas technological advances have enabled natural gas to be used for electricity production in production units having advantages both of lower capital and operating costs, and of greater transformation efficiency and improved operational flexibility compared with units using other fuels;

Whereas Directive 75/404/EEC ⁽⁴⁾ was adopted at a time when natural gas reserves were considered to be of an

insufficient level with regard to the security of supplies of this source of energy;

Whereas this situation has changed and, in view of current developments on the gas market, the restriction imposed under Directive 75/404/EEC should not be retained,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/404/EEC is hereby repealed.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 18 March 1991.

For the Council

The President

J.-C. JUNCKER

⁽¹⁾ OJ No C 203, 14. 8. 1990, p. 19.

⁽²⁾ OJ No C 48, 25. 2. 1991.

⁽³⁾ OJ No C 31, 6. 2. 1991, p. 41.

⁽⁴⁾ OJ No L 178, 9. 7. 1975, p. 24.

COUNCIL RECOMMENDATION

of 18 March 1991

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1989

(91/149/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the ACP-EEC Convention of Lomé, signed on 28 February 1975,

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 11 July 1975, and in particular Article 31 (3) thereof,

Having regard to the Financial Regulation of 27 July 1976 applicable to the Fourth European Development Fund⁽³⁾, and in particular Articles 64 to 67 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1975) (Fourth EDF) as at 31 December 1989 and the Court of Auditors' report relating to the financial year 1989 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 31 (3) of the Internal Agreement, the discharge for the management of the European

Development Fund (1975) (Fourth EDF) must be given to the Commission according to the procedure provided for in Article 206 of the Treaty;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1975) (Fourth EDF) during the financial year 1989 has been satisfactory,

HEREBY RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1989.

Done at Brussels, 18 March 1991.

For the Council

The President

J.-C. JUNCKER

⁽¹⁾ OJ No L 176, 1. 7. 1976, p. 8.

⁽²⁾ OJ No L 25, 30. 1. 1976, p. 168.

⁽³⁾ OJ No L 229, 20. 8. 1976, p. 9.

⁽⁴⁾ OJ No C 313, 12. 12. 1990, pp. 197-216 and 305-320.

COUNCIL RECOMMENDATION

of 18 March 1991

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1989

(91/150/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Second ACP-EEC Convention, signed at Lomé on 31 October 1979,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 20 November 1979, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 17 March 1981 applicable to the Fifth European Development Fund⁽³⁾, and in particular Articles 66 to 70 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1979) (Fifth EDF) as at 31 December 1989 and the Court of Auditors' report relating to the financial year 1989 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1979) (Fifth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1979) (Fifth EDF) during the financial year 1989 has been satisfactory,

HEREBY RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1989.

Done at Brussels, 18 March 1991.

*For the Council**The President*

J.-C. JUNCKER

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 347, 22. 12. 1980, p. 210.

⁽³⁾ OJ No L 101, 11. 4. 1981, p. 12.

⁽⁴⁾ OJ No C 313, 12. 12. 1990, pp. 197-216 and 305-320.

COUNCIL RECOMMENDATION

of 18 March 1991

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1989

(91/151/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC⁽³⁾, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund⁽⁴⁾, and in particular Articles 66 to 73 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1984) (Sixth EDF) as at 31 December 1989 and the Court of Auditors' report relating to the financial year 1989 together with the Commission's replies⁽⁵⁾;

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1984) (Sixth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1984) (Sixth EDF) during the financial year 1989 has been satisfactory,

HEREBY RECOMMENDS

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1989.

Done at Brussels, 18 March 1991.

For the Council

The President

J.-C. JUNKER

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 86, 31. 3. 1986, p. 210.

⁽³⁾ OJ No L 178, 2. 7. 1986, p. 13.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 42.

⁽⁵⁾ OJ No C 313, 12. 12. 1990, pp. 197-216 and 305-320.

COUNCIL DECISION**of 18 March 1991****on the notification of the application by the Community of the 1989
International Agreement on Jute and Jute Products**

(91/152/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 116 thereof,

Having regard to the proposal from the Commission,

Whereas the 1989 International Agreement on Jute and Jute Products⁽¹⁾ was signed by the Community and its Member States on 20 December 1990 ;

Whereas all Member States have indicated their intention to apply the Agreement ;

Whereas the Community and its Member States should notify the Secretary-General of the United Nations Organization that they intend to apply the Agreement,

HAS DECIDED AS FOLLOWS :

Article 1

The Community and its Member States, after completion of the necessary internal procedures, shall, notify the Secretary-General of the United Nations Organization that they will apply the International Agreement on Jute and Jute Products (1989), as importing members, when it enters into force in accordance with Article 40 (3).

Article 2

The President of the Council is hereby authorized to designate the persons empowered to lodge the instrument of notification on behalf of the European Economic Community.

Done at Brussels, 18 March 1991.

*For the Council**The President*

J.-C. JUNCKER

⁽¹⁾ OJ No L 29, 4. 2. 1991, p. 4.

COMMISSION DECISION

of 11 January 1991

relating to a proceeding under Article 85 of the EEC Treaty

(IV/31.624 — Vichy)

(Only the French text is authentic)

(91/153/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 4, 6 and 15 (6) thereof,

Having regard to the notification submitted on 29 August 1989 by Société d'Hygiène Dermatologique de Vichy concerning the agreements forming the basis of the system of selective distribution of Vichy cosmetic products in France and the system of exclusive sale through retail pharmacies employed in the other Member States,

After hearing the undertakings concerned in accordance with Article 19 (1) of Regulation No 17 and the provisions of Commission Regulation No 99/63/EEC on the hearings provided for in Article 19 (1) and (2) of Council Regulation No 17⁽²⁾,

Whereas :

I. THE FACTS

A. Subject of the Decision

- (1) By letter dated 26 July 1985 Laboratoires d'Application Dermatologique de Vichy et Cie, a French subsidiary of Société d'Hygiène Dermatologique de Vichy (hereinafter called Vichy), notified to the Commission a system, limited to France, of exclusive distribution of Vichy cosmetic products through retail pharmacists ('pharmacie d'officine'). Under the system, the grant of authorization as a distributor of Vichy products was subject to possession of a qualification as a dispensing chemist (hereinafter pharmacist). At that time, the French Conseil de la Concurrence was undertaking a review of such exclusive distribution systems employed by laboratories. The notification subsequently lapsed because the distribution system used

in France was modified in the light of a decision of the conseil de la concurrence⁽³⁾, which was upheld by the Paris Court of Appeal⁽⁴⁾ and the court of Cassation⁽⁵⁾. The French authorities applied both domestic and European competition law and found that exclusive distribution through retail pharmacies infringed Article 85 (1) of the EEC Treaty. However, in France, producers may require sellers of cosmetic products in sales outlets other than retail pharmacies to have the technical qualification of a diploma in pharmacy.

- (2) This modified distribution system for France was notified by Vichy by letter dated 29 August 1989. At the same time, a preliminary notification of the distribution system for the other Member States (with the exception of Denmark, where Vichy products are not distributed) was sent to the Commission. That notification still provides, outside France, for exclusive distribution through retail pharmacies.
- (3) This Decision relates only to the system of exclusive distribution through pharmacies, in so far as it requires anything more than the professional qualification of a diploma in pharmacy. The selective distribution system employed in France and other clauses are not the subject of this Decision. They will be examined in the Commission's final Decision. The points covered will include the requirements as to the location of sales outlets, the display of products, the presence of comparable brands, the range that has to be stocked, storage, the production of invoices in the event of cross-supplies and the conditions governing the granting of annual discounts.

B. The parties

- (4) Vichy is a wholly owned subsidiary of the L'Oréal group. In 1987 L'Oréal's turnover amounted to approximately ECU 3,4 billion, ECU 116,5 million of which was accounted for by Vichy.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

⁽³⁾ Decision No 87-D 15 of the conseil de la Concurrence of 9 June 1987.

⁽⁴⁾ Judgment of the Paris Court of Appeal of 28 January 1988.

⁽⁵⁾ Judgment of the Court of Cassation of 25 April 1989.

(5) Vichy's authorized distributors are :

- pharmacists who have entered into a contractual relationship (either by means of written distribution agreements or by the continuing use of general conditions of sale) with Vichy's general agents or wholesaler-distributors ;
- wholesaler-distributors bound either by wholesaler agreements (exchanges of letters) or by the general conditions of sale.

C. The products

- (6) Vichy cosmetic products form a full range of face-care and body-care products. The range does not include perfumes.
- (7) There is a difference between a cosmetic product and a medicinal product. The marketing of cosmetics does not require any precautions over and above those provided for by domestic and community legislation concerning checks to ensure that such products are not harmful. Such checks cannot be carried out by the pharmacist because he does not know the exact composition of the product.
- (8) Vichy has not challenged the Commission's finding that the choice of distribution method, namely exclusive distribution through retail pharmacies, is not based on any technical or qualitative superiority of Vichy products compared with cosmetics distributed by L'Oréal through other distribution channels such as perfumeries or general stores. Despite the fact that, compared with cosmetics sold through general stores, the Vichy range is wider and more varied, it is less so than the ranges of luxury cosmetics sold in perfumeries.

D. Prices

- (9) According to figures given by Vichy for 1988, the average selling prices to retailers differ from one Member State to another, ranging from FF [...] ⁽⁶⁾ (Portugal) or FF [...] (United Kingdom) to FF [...] (Germany) or FF [...] (Netherlands). This corresponds to a price differential of approximately 2:3 of 100:171. Up to the time of notification, Vichy's general agents made selling-price recom-

mendations to pharmacists. Such prices were generally double the average selling price to retailers.

E. Vichy's distribution system

- (10) The functioning of the exclusive distribution system is ensured by a kind of 'distribution network safeguard clause' which obliges distributors to sell only to authorized distributors or to distributors who agree in writing to comply with the same obligation. The clause is contained either in individual distribution agreements (Germany) and in agreements based on exchanges of letters with wholesalers (Belgium and Luxembourg) or in the general conditions of sale printed on the back of invoices, on order forms or on price lists (other Member States). As far as cross-supplies within the network are concerned, an 'EEC clause' in the agreements and general conditions permits pharmacists to supply products only to other pharmacists in other Member States.

F. The market in cosmetics

- (11) Cosmetic products include beauty products and toiletries, hair-care products and perfumes. The products are sold through four different distribution channels :
- general stores (supermarkets, hardware stores ('drogueries'), department stores),
 - selective distribution (perfumeries and large luxury stores),
 - retail pharmacies,
 - direct sale (notably by mail order).

Cosmetic products are sold under a multitude of brand names. As a rule, each brand is assigned a specific distribution channel. Brands sold in retail pharmacies are not found in perfumeries or general stores. Some producers, namely those which offer a wide variety of products, such as L'Oréal, choose the channel according to the prestige of their brands. Vichy has pointed out that new and innovative products are as a rule distributed first of all through pharmacies. Once consumers have grown accustomed to them, they are distributed on a wider scale (under other names) through general stores and luxury perfumeries. The length of the transitional phase of sale through pharmacies seems to differ considerably from one product to another and appears to be growing shorter.

⁽⁶⁾ In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 21 of Regulation No 17 concerning non-disclosure of business secrets.

- (12) According to a study ordered by the Commission (7), the segmentation into distribution channels corresponds to a difference between average prices for given products. A product intended for a given use is thus often sold in general stores as brand A at a price of 100, in retail pharmacies as brand B at a price of 150 to 200, and in perfumeries as brand C at a price of 300 to 400.
- (13) As a percentage of total cosmetic sales, sales through retail pharmacies accounted in 1987 for 4,8 % in Germany, 9 % in France, 16,5 % in Italy and 44,1 % (of which 33 % Boots) in the United Kingdom. Statistics supplied by Vichy show a slight fall-off in sales through pharmacies in France. In Germany, by contrast, the proportion of sales accounted for by pharmacies has grown more rapidly than the market as a whole.
- (14) The share held by Vichy of sales through pharmacies is [...] % in France, [...] % in Germany, [...] % in Italy and [...] % in the United Kingdom.

G. National rules concerning retail pharmacies and parapharmaceutical products

- (15) A person is required to have the technical qualification of a diploma in pharmacy in order to set up as a pharmacist. In eight Member States (Belgium, France, Italy, Spain, Greece, Luxembourg, Portugal and Denmark) the right of establishment is limited in that the number of retail pharmacies is linked to a certain number of inhabitants and/or to a certain geographical distance between such shops. In Germany, Ireland, the United Kingdom and the Netherlands, the right of a holder of a registered pharmaceutical chemist's certificate to open a retail pharmacy is not subject to any quantitative restrictions. In the United Kingdom and Ireland there is no absolute monopoly of the distribution of medicinal products. Numerous medicinal products are sold through outlets other than pharmacies (e.g. drugstores).
- (16) In all Member States, pharmacists are entitled to sell parapharmaceutical products. In five Member States (Belgium, Germany, Italy, France and Portugal) there is an exhaustive list of permitted parapharmaceutical products, while in the other Member States pharmacists are free to sell products other than medicinal products within the limits of professional ethics.

In most Member States, there are rules of professional ethics which impose restrictions on pharmacists in relation to their competitive behaviour.

(7) Selective distribution systems in the Community from the point of view of competition policy. The case of perfumes and cosmetic products. André-Paul Weber, CERESSEC 1988 (in French).

Certain restrictions, such as the prohibition on advertising outside the pharmacy or announcing special offers or discounts, apply, with slight differences from one Member State to another, also to parapharmaceutical products.

II. PRELIMINARY ASSESSMENT UNDER ARTICLE 85 (1) OF THE EEC TREATY

In the light of the facts currently available, the Commission is not carrying out a final assessment of the agreement notified, but has reached the following conclusions following a preliminary assessment.

- (17) The distribution agreements concluded between Vichy's general agents and the wholesaler-distributors or pharmacist-retailers are agreements between undertakings within the meaning of Article 85 (1). The same applies to the general conditions of sale printed on the back of invoices, on order forms and on price lists. The repeated use of such documents means that Vichy's distributors have implicitly approved and accepted them and that they therefore constitute a prior general agreement applicable to the innumerable individual orders placed (Judgment of the Court of Justice of 11 January 1990 in Case C-277/87 — Sandoz, paragraph (12). The distribution agreements and the general conditions of sale contain a clause stipulating that authorization as a distributor of Vichy products is dependent on being a pharmacist and that, consequently, the distributors are obliged to sell only to pharmacists.
- (18) The agreement has the object and effect of restricting competition within the common market:
- (a) In the selective distribution system in question, the selection of the reseller on the basis of his being a pharmacist does not comply with the criteria which the Court of Justice has deemed to be in line with Article 85 (1) in numerous cases⁽⁸⁾ and, in particular, as regards cosmetic products, in the L'Oréal — De nieuwe Amck case⁽⁹⁾. By making authorization of distributors subject to being a pharmacist, Vichy does not use an objective criterion of a qualitative nature to define the professional qualification of the seller or his staff. The diploma in pharmacy attests to the fact that the holder is deemed to

(8) Case 26/76 Metro I [1977] European Court Report 1875; Case 253/78 Giry and Guerlain [1980] European Court Report 2327; Case 99/79 Lancôme Etos [1980] European Court Report 2511; Joined Cases 25 and 26/84 Ford [1985] European Court Report 2736; Case 75/84 Metro II [1986] European Court Report 3021; Case 243/83 Binon [1985] European Court Report 2015.

(9) Case 31/80 [1980] European Court Report 3775.

have all the necessary professional knowledge in pharmacology, biology, toxicology and dermatology to run a pharmacy. However, Vichy does not accept such professional qualifications as being sufficient for the purposes of providing the advice which Vichy is concerned to give its customers.

- (b) The requirement to sell only through a pharmacy adds to the professional qualification element an addition a factor that restricts the number of potential sellers in a quantitative and not qualitative manner.

Although the number of pharmacists is fairly high in most of the Member States, eight of the 12 Member States apply a quantitative ceiling to the establishment of pharmacies. In the case of Binon/AMP (cited footnote 7) the Court of Justice held the criterion of the selection of sellers based on a minimum number of inhabitants per point of sale to be quantitative. It would be the same if selection is made indirectly by restricting sale to a certain type of outlet where establishment is restricted.

- (c) Contrary to what Vichy claimed at the hearing, the producer's freedom of choice in determining the way in which his products are distributed must remain subject to the principle of proportionality between the properties of the product and the selection criteria imposed by the producer, a condition required by the Court of Justice in *L'Oréal*⁽¹⁰⁾.

Even if the 'sale through pharmacies' criterion were deemed to be an objective criterion of a qualitative nature, it would have to be acknowledged that the criterion imposed goes beyond what is necessary for maintaining quality and ensuring proper use of the product.

The national and Community rules governing cosmetic products ensure that they do not pose any danger to consumers' health and that their marketing does not require any additional precautions such as those applying to pharmaceutical products. According to Vichy, the range of Vichy cosmetic products is wider and more varied than the cosmetics sold in general stores, but otherwise there is no real and objective qualitative or technical difference between them.

Vichy's concern to offer its customers advice identical to that provided for the use of pharmaceutical products cannot thus be regarded as

a necessity deriving from the properties of the product, but must be regarded as a marketing strategy intended to create and maintain a brand image that benefits from the good name and reputation of pharmacists in terms of health and safety.

In this respect, it should be noted that *L'Oréal*'s top-range brands sold in luxury perfumeries not by sales staff holding scientific diplomas, but by staff professionally qualified as beauticians, comprise ranges even more wide and varied than the Vichy range.

- (d) Vichy has not been able to show plausibly that the professional qualification of pharmacist is superior to that of a person holding a pharmacy diploma in terms of the knowledge required to give qualified advice to purchasers of cosmetics. According to Vichy, a pharmacist is more competent than the holder of a pharmacy diploma because his knowledge in the field of health is being constantly renewed, since his main activity is the sale of pharmaceutical products, he has a scientific approach, and he acquires experience through being in permanent and personal contact with customers. Starting from the same level of professional knowledge based on the diploma, there are no obvious reasons why it would not be in the employed pharmacist's interest to continue to develop the knowledge necessary for providing scientific advice to consumers of cosmetics. An employed pharmacist will, on the contrary, have the advantage of being able to concentrate on and specialize in dermatological and cosmetological problems. Professional experience and contact with customers must be acquired in the same way by a pharmacist starting out in a dispensing chemist's shop as by a diploma holder who begins to sell cosmetics in a shop.

The influence of rules of professional ethics, to which Vichy referred during the hearing, is of little or no relevance in terms of professional knowledge.

- (e) Vichy put forward a whole series of arguments on the advantages of chemists' shops as compared with other distribution channels, such as the setting, which ensures an atmosphere of seriousness and confidentiality, the practical organization of pharmacies (complete range in stock or rapid delivery), the lack of scope for tampering with products, the possibility of immediate withdrawal of products if necessary and the nature of the pharmacy as a place of dialogue rather than of transit.

⁽¹⁰⁾ Ibid.

However, these advantages do not derive from the professional qualification of the pharmacist, but from the characteristics of pharmacies as an institution and a trade. These arguments are therefore based on criteria of a quantitative nature.

- (f) The distinction between the professional qualification certified by the diploma in pharmacy and the position of pharmacist, which comprises additional elements, is not an artificial assessment criterion, as Vichy claims. On the contrary, it is fundamental to the distribution system which Vichy and other cosmetics producers apply in France.

Since the selection criterion applied by Vichy is not in line with the criteria specified by the Court of Justice, the agreements, which exclude any form of marketing other than through pharmacies, have the object and effect of restricting competition.

- (19) The agreement restricts competition and affects trade between Member States to an appreciable extent.

Without a restriction of this type, it must be expected that there would be a substantial increase in trade between Member States as a result of the increase in the number of sales outlets and the differences in average selling prices to retailers, which vary by up to 30 % from one Member State to another. Sellers other than pharmacists would have greater resources and expertise in using price differentials between Member States in order to carry out parallel imports, particularly where they specialize in the sale of cosmetics.

In assessing the extent to which the restriction of competition and the effect on trade between Member States is appreciable, account must be taken of the cumulative effect arising from the fact that there are parallel systems of exclusive distribution through pharmacies for all brands of cosmetics sold through the pharmaceutical channel. The market share of dermopharmacy amounts to somewhere between 5 % and 40 % of the total cosmetics market. The restriction of competition and the effect on trade between Member States are therefore appreciable, however the relevant market is defined.

- (20) Following a preliminary examination, it must therefore be concluded that the agreements infringe Article 85 (1) of the EEC Treaty in that

they provide for exclusive distribution through pharmacies. This conclusion is in line with the result of the examination of Article 85 (1) carried out by the Paris Court of Appeal⁽¹⁾ and with the view taken by the Commission in Decision 90/33/EEC (APB)⁽¹²⁾.

III. PRELIMINARY ASSESSMENT UNDER ARTICLE 85 (3) OF THE EEC TREATY

- (21) Examination of Article 85 (3) must include the advantages which Vichy says are specific to the distribution channel through pharmacies and which may be summarized as follows:
- (a) pharmacists guarantee the availability of a complete set of products from the range, if not through a complete stock, then at least through the rapid supplying of pharmacies by a service for distributing pharmaceutical products operated by the pharmaceutical wholesalers and through assistance provided by one pharmacist to another;
 - (b) the role of the pharmacist allows the manufacturer, who takes the risk of investing large sums in the development of new products, to be sure of the support of the pharmacist in successfully launching such new products;
 - (c) the transitional phase of sale of innovative products through pharmacies, where use is made of the educative role of the pharmacist, makes it possible, once consumer habits have been established, to market similar products under other brand names through other distribution channels, notably through general stores;
 - (d) the consumer benefits from having a choice between the pharmaceutical channel and other channels, each of which has different advantages;
 - (e) the distribution of innovative cosmetic products in such a way as to ensure both industrial and commercial success would not be possible unless advice were available to customers when making their choice. The sale of Vichy products is therefore inextricably linked with the advice provided by the pharmacist.

⁽¹⁾ See footnote 4.

⁽¹²⁾ OJ No L 18, 23. 1. 1990, p. 35.

- (22) At the present stage of proceedings, the question whether the advantages deriving from the professional qualification of the pharmacist, (e.g. advice for the customer, information feedback to the producer) meet the conditions for exemption does not yet have to be decided on, given the limited scope of this Decision.
- (23) The appraisal of Vichy's arguments has to take account of the fact that there is no question of prohibiting the distribution of Vichy products through retail pharmacies. As long as the proceedings are confined to the system of exclusive distribution through pharmacies, the least radical alternative from Vichy's point of view would be to allow a limited opening-up of access to the distribution network. Retail pharmacists would then not in any way be prevented from continuing to sell Vichy products on a non-exclusive basis, and Vichy would remain free to impose qualitative selection criteria, such as a diploma in pharmacy, for sales outlets other than retail pharmacies.
- (24) Advantages (a) to (e) referred to in recital (21) are not such as to be able to improve production.
- (25) In the first place, the improvement in distribution referred to in point (a) of recital (21) cannot be regarded as valid, since the efficient organization of supplies through the pharmaceutical channel is not a result of the agreement. The service is operated in order to ensure that the population at large is supplied with pharmaceutical products. In addition, the requirement that the complete range should be sold is not a condition for authorization and does not even appear in the general conditions of sale. Even in sales outlets other than retail pharmacies, these distribution advantages may be achieved by means of contractual obligations.
- (26) A promotion of technical or economic progress, such as is implied by point (b) of recital (21), cannot be claimed on the basis of the fact that exclusive sale is in the particular economic interest of Vichy with a view to recovering investment costs. Furthermore, Vichy is in no way deprived of the support of pharmacists in ensuring the successful launch of innovative products.
- (27) Point (c) of recital (21) put forward by Vichy, which also relates to the promotion of technical and economic progress, is contradicted by the fact that products are subsequently marketed through non-pharmaceutical channels under other brand names. *Prima facie*, this situation reflects the producer's desire to create an enduring brand image in retail pharmacies rather than a desire to prepare the ground for marketing on the general market.
- (28) Vichy's arguments relating to the improvement of distribution and the promotion of technical or economic progress cannot be regarded as allowing consumers a fair share of the benefits. The fact that products of the same nature are marketed under different brand names through different channels does not allow the consumer to make an objective choice. If the products were not distributed exclusively through retail pharmacies, the consumer would have a wider choice, without being deprived of the possibility of purchasing products through pharmacies should he wish to have the advice of a pharmacist.
- (29) Furthermore, it should be pointed out that exclusive distribution through retail pharmacies does not appear to be essential in order to achieve the advantages referred to above (points (a) to (e) of recital (21)). There is nothing to prevent Vichy from continuing to sell its products on a non-exclusive basis through pharmacies and thus to achieve such advantages.
- (30) Because of the influence of pharmacist's ethical and professional rules, the role of intra-brand competition within the pharmaceutical distribution channel remains limited. Vichy has not been able to show that inter-brand competition, either within the pharmaceutical network or from one distribution channel to another, would be sufficiently strong to counterbalance the lack of any intra-brand competition.
- (31) After preliminary examination of the conditions of Article 85 (3), it must therefore be concluded that the provisions of Article 85 (1) cannot be declared inapplicable to the agreement.
- #### IV. APPLICATION OF ARTICLE 15 (6) OF REGULATION No 17
- (32) In its judgement of 28 January 1988 ⁽¹³⁾, the Paris Court of Appeal held that the Conseil de la Concurrence had rightly taken the view that the agreements in question, namely the exclusion of any form of marketing other than through pharmacies, were caught by Article 85 of the Treaty of Rome. The judgement was upheld by the French Cour de Cassation.
- As from December 1988, Vichy was aware that a complaint, lodged on 13 May 1988 by the German company Cosimex against its system of exclusive distribution through pharmacies, was under examination.
- ⁽¹³⁾ See footnote 4.

In Decision 90/33/EEC (APB)⁽¹⁴⁾, the Commission pointed out in recitals (28) and (29) that exclusive sale in pharmacies restricted competition in respect of the distribution of parapharmaceutical products in Belgium and in addition prevented the agreement as notified from being exempted under Article 85 (3).

After having, in France, come into line with Community law by extending distributor authorization to holders of a diploma in pharmacy, Vichy notified the new distribution system for France in August 1989. At the same time, by contrast, in respect of the other Member States (except Denmark), Vichy notified the system of exclusive distribution through pharmacies unchanged. However, Vichy has not put forward any arguments justifying, under Article 85, the coexistence of two different distribution systems within the common market.

Given this situation, the Commission considers that maintaining exclusive distribution through pharmacies in 10 Member States constitutes a clear and serious infringement of Article 85. A final Commission decision could subsequently be adopted after detailed examination of the whole of the two systems notified by Vichy.

Accordingly, a Commission communication within the meaning of Article 15 (6) is called for. In accordance with Article 15 (6) of Regulation No 17, this Decision suspends, in respect of exclusive distribution through pharmacies, the immunity against the

imposition of fines which is normally granted by the notification of an agreement,

HAS ADOPTED THIS DECISION:

Article 1

Following a preliminary examination pursuant to Article 15 (6) of Regulation No 17, the Commission is of the opinion that, as regards the provisions of the agreements concluded between Société d'Hygiène Dermatologique de Vichy and wholesaler-distributors and retail pharmacists, in so far as the said agreements provide for the exclusive distribution of Vichy cosmetic products through pharmacies, i.e. by virtue of the fact that the approval of authorized distributors of Vichy products is subject to their having the status of dispensing chemist, Article 85 (1) of the EEC Treaty applies and that application of Article 85 (3) is not justified.

Article 2

This Decision is addressed to Société d'Hygiène Dermatologique de Vichy, 28 Rue du Président Wilson, F-03201 Vichy, France.

Done at Brussels, 11 January 1991.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁴⁾ See footnote 12.

CORRIGENDA

Corrigendum to Commission Decision 91/142/EEC of 15 March 1991 terminating the anti-dumping proceeding concerning imports of Atlantic Salmon originating in Norway*(Official Journal of the European Communities No L 69 of 16 March 1991)*

On pages 36 and 37, points G and H and the sole Article should read as follows:

'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 applied to the award of new operating licences on the one hand, and the farming of salmon fry and smolts on the other.

In addition, it is understood that, during 1989/1990 the Norwegian industry took action to freeze down surplus production, financed by a levy, to prohibit exports of inferior quality fish and to recommend steps such as reduced feeding and controlling smolt input to constrain production.

The combination of these measures led to a recovery in prices on the Community market during 1990.

- (36) For 1991, the Norwegian Government gave indications that their industry has undertaken to continue to freeze down surplus production, to prohibit exports of inferior quality fish and has finalized plans to cover the freezing down of surplus production.
- (37) Aware of the serious difficulties caused by unstable salmon prices, the Norwegian Government has expressed the wish to contribute to the balanced development of fresh salmon exports to the Community while respecting traditional trade flows. In this context the Norwegian Government has indicated that they have reinforced control of Norwegian rules and regulations relating to sales and exports of Norwegian farmed salmon, for example by introducing an appropriate sampling programme, designed to ensure conformity between sales statistics compiled by the industry and export figures compiled by the Norwegian authorities. It has also indicated that it has improved enforcement, and will pursue possible infraction, of these rules and regulations.

The Norwegian government has expressed its willingness to enter into consultations with the Commission, at the level of Government officials, upon notification of a market problem causing an abnormal development of prices, with a view to finding appropriate solutions to such problems,

together with the Norwegian industry and exporters.

In the present circumstances, the Commission considers that it is unnecessary to impose the anti-dumping measures concerning farmed salmon originating in Norway. Nevertheless the Commission will in future continue to follow closely the market trend for farmed salmon and the export of Norwegian farmed salmon to the Community and, if necessary, or at the request of any Member State, initiate discussions with the Norwegian Government. If these discussions do not lead to a satisfactory solution, the Commission shall consider as a matter of urgency — upon request from the Community industry — whether to initiate new anti-dumping proceedings.

H. TERMINATION OF THE ANTI-DUMPING PROCEEDING

- (38) In the present circumstances the anti-dumping proceeding should be terminated without the imposition of trade protection measures.
- (39) There was no objection from the Anti-dumping Committee to this conclusion with the exception of Ireland and the United Kingdom who reserved their positions. Therefore, in conformity with the provisions of Articles 9 (1) and 10 (1) of Regulation (EEC) No 2423/88, the Commission submitted to the Council a report on the results of the consultations, together with a proposal that the investigation be terminated. As the Council has not decided otherwise within one month, the present Decision should be adopted.
- (40) The complainants have been informed of the facts and considerations underlying the Commission's intention to terminate the proceedings without imposing trade protection measures. They have expressed reservations concerning this closing.

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.'