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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1025/91**of 22 April 1991****extending for the second time the 1990/91 marketing year in the milk and beef
and veal sectors**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽³⁾, as last amended by Regulation (EEC) No 3577/90 ⁽⁴⁾, and in particular Article 4 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 750/91 ⁽⁵⁾ extends the 1990/91 marketing year in the milk and beef and veal sectors to 28 April 1991;

Whereas it has proved necessary to reconsider all the problems relating to the fixing of prices for the forth-

coming marketing year, which will involve delay in the fixing of those prices; whereas the 1990/91 marketing year must therefore be extended in the milk and beef and veal sectors until 26 May 1991,

HAS ADOPTED THIS REGULATION:

Article 1

1. The 1990/91 milk year shall end on 26 May 1991 and the 1991/92 milk year shall begin on 27 May 1991.
2. The 1990/91 marketing year for beef and veal shall end on 26 May 1991 and the 1991/92 marketing year shall begin on 27 May 1991.

Article 2

This Regulation shall enter into force on 28 April 1991.

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

Done at Luxembourg, 22 April 1991.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁴⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 1.

COUNCIL REGULATION (EEC) No 1026/91

of 22 April 1991

amending Regulation (EEC) No 1208/81 determining the Community scale for the classification of carcasses of adult bovine animals

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1358/80 of 5 June 1980 fixing the guide price and intervention price for adult bovine animals for the 1980/81 marketing year and introducing a Community grading scale for carcasses of adult bovine animals⁽¹⁾, and in particular Article 4 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1208/81⁽²⁾ established the Community scale for the classification of carcasses of adult bovine animals;

Whereas, in view of the genetic improvements resulting from cattle breeding, the Community scale for the classification of carcasses of adult bovine animals should be adjusted so as to take account of the existence of animals of the double-muscled type; whereas, to that end, provision should be made for the optional introduction of a conformation class above the existing ones,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1208/81 is hereby amended as follows:

1. Article 3 is replaced by the following:

Article 3

1. The carcasses of adult bovine animals shall be divided into the following categories:

A. carcasses of uncastrated young male animals of less than two years of age;

B. carcasses of other uncastrated male animals;

C. carcasses of castrated male animals;

D. carcasses of female animals that have calved;

E. carcasses of other female animals.

Without prejudice to the intervention rules applying, the letters A, B, C, D and E shall be used to identify carcasses as from 1 January 1992.

Criteria shall be laid down for differentiating between categories of carcasses in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

2. The carcasses of adult bovine animals shall be classified by successive assessment of:

(a) conformation;

(b) fat cover,

as defined in Annexes I and II respectively.

The conformation class designated in Annex I by the letter S may be used by Member States to take account, through the optional introduction of a conformation class superior to the existing classes (double-muscled carcasses), of the characteristics or expected development of a particular form of production.

Member States which intend to make use of this possibility shall notify the Commission and the other Member States accordingly.

3. Member States shall be authorized to subdivide each of the classes provided for in Annexes I and II into a maximum of three sub-classes³;

2. Annex I is replaced by the Annex appearing in the Annex hereto.

Article 2

This Regulation shall enter into force on the third 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 Luxembourg, 22 April 1991.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 140, 5. 6. 1980, p. 4.

⁽²⁾ OJ No L 123, 7. 5. 1981, p. 3.

*ANNEX**ANNEX I***CONFORMATION****Development of carcase profiles, in particular the essential parts (round, back, shoulder)**

Conformation class	Description
S Superior	All profiles extremely convex ; exceptional muscle development (double-muscled carcase type)
E Excellent	All profiles convex to super-convex ; exceptional muscle development
U Very good	Profiles on the whole convex ; very good muscle development
R Good	Profiles on the whole straight ; good muscle development
O Fair	Profiles straight to concave ; average muscle development
P Poor	All profiles concave to very concave ; poor muscle development'

COUNCIL REGULATION (EEC) No 1027/91

of 22 April 1991

fixing, for the 1990/91 and 1991/92 milk years, the guideline figure for the fat content of standardized whole milk imported into Ireland and the United Kingdom

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1411/71 of 29 June 1971 laying down additional rules on the common market organization in milk and milk products for drinking milk ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, and in particular Article 3 (6) (b) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 3 (5) of Regulation (EEC) No 1411/71, Ireland and the United Kingdom apply, within their territories, the formula of non-standardized whole milk within the meaning of the second indent of Article 3 (1) (b) of that Regulation;

Whereas, pursuant to Article 3 (6) and (7) of the said Regulation, a guideline figure must be fixed for the 1990/91 milk year for the fat which standardized whole milk coming from another Member State must contain to be able to be marketed within the territories of the two abovementioned Member States; whereas this guideline figure must be the weighted average fat content of the whole milk produced and marketed in the importing Member State during the previous year;

Whereas, particularly in the light of market changes, it is deemed appropriate, to re-examine the conditions of application of the second indent of the said Article 3 (1) (b) and of Article 3 (6) and (7) with a view to the repeal of the latter paragraphs; whereas the Commission should therefore be requested to present a report together with proposals in this connection before 1 June 1991;

whereas, accordingly, the guideline figure for the 1991/92 milk year must be fixed, subject to any amendments that may result from those proposals,

HAS ADOPTED THIS REGULATION:

Article 1

The guideline figure referred to in Article 3 (6) (b) of Regulation (EEC) No 1411/71 shall be:

1. for the 1990/91 milk year:
 - 3,50 % for Ireland,
 - 3,90 % for the United Kingdom;
2. for the 1991/92 milk year, subject to any amendments resulting from the application of Article 2:
 - 3,50 % for Ireland,
 - 4,00 % for the United Kingdom.

Article 2

The Commission shall present to the Council, before 1 June 1991, a report on the conditions of application of the second indent of Article 3 (1) (b) and of Article 3 (6) and (7) of Regulation (EEC) No 1411/71 and shall propose any amendments to the rules concerned.

Article 3

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

It shall apply with effect from 14 May 1990.

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

Done at Luxembourg, 22 April 1991.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 148, 3. 7. 1971, p. 4.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

COUNCIL REGULATION (EEC) No 1028/91**of 22 April 1991****amending Regulation (EEC) No 1336/86 fixing compensation for the definitive discontinuation of milk production**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3641/90 ⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3577/90 ⁽³⁾ lays down the transitional measures and adjustments required in the agricultural sector as a result of German unification;

Whereas, pursuant to the said measures and adjustments, provision was made to apply Council Regulation (EEC) No 1336/86 of 6 May 1986 fixing compensation for the definitive discontinuation of milk production ⁽⁴⁾, as last amended by Regulation (EEC) No 3577/90, in the territory of the former German Democratic Republic; whereas it would not be in the general interest to bring about the 3 % reduction in overall production through a voluntary programme of cessation of activities; whereas, therefore, Germany should be authorized to reduce immediately and by an equal amount each of the reference

quantities, without prejudice to applications already submitted pursuant to Regulation (EEC) No 2321/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 3776/90 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4a (c) of Regulation (EEC) No 1336/86 is hereby replaced by the following:

'(c) except for applications submitted before 31 January 1991, Germany shall be authorized, by way of derogation from the first subparagraph of Article 1 (1), to grant such compensation for an equal reduction in the relevant part of the production of each party concerned in relation to previous production.'

Article 2

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

It shall apply with effect from 1 April 1991.

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

Done at Luxembourg, 22 April 1991.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 21.

⁽⁵⁾ OJ No L 202, 25. 7. 1986, p. 13.

⁽⁶⁾ OJ No L 364, 28. 12. 1990, p. 4.

COUNCIL REGULATION (EEC) No 1029/91**of 22 April 1991****amending for the 13th time Regulation (EEC) No 351/79 concerning the addition of alcohol to products in the wine sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 25 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, pending the adoption of provisions supplementing or harmonizing the definitions of semi-sparkling wines and products falling within CN code 2205, the period of validity of the provisions of Article 4 of Regulation (EEC) No 351/79 ⁽³⁾, as last amended by Regulation (EEC) No 1372/90 ⁽⁴⁾, should be extended by one year; whereas, moreover, experience gained shows that such an extension would give rise to no drawbacks,*Article 1*

In Article 4 of Regulation (EEC) No 351/79, '31 December 1990' is hereby replaced by '31 December 1991'.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 January 1991.

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

Done at Luxembourg, 22 April 1991.

*For the Council**The President*

R. STEICHEN

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 54, 5. 3. 1979, p. 90.⁽⁴⁾ OJ No L 133, 24. 5. 1990, p. 5.

COUNCIL REGULATION (EEC) No 1030/91

of 22 April 1991

amending Regulation (EEC) No 1191/89 derogating from Regulation (EEC) No 797/85 as regards certain investment aids in the pig production sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas the last subparagraph of Article 3 (4) of Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽²⁾, as last amended by Regulation (EEC) No 3577/90⁽³⁾, makes the granting of investment aid for pig production subject to a requirement that at least the equivalent of 35 % of the quantity of feed consumed by the pigs can be produced on the holding;

Whereas the difficulties on account of which Article 1 of Regulation (EEC) No 1191/89⁽⁴⁾ provides for a temporary

derogation from the last subparagraph of Article 3 (4) of Regulation (EEC) No 797/85 persist; whereas the period of validity of the derogation should therefore be extended,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 1191/89, '31 December 1990' is hereby replaced by '31 December 1991'.

Article 2

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

It shall apply with effect from 1 January 1991.

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

Done at Luxembourg, 22 April 1991.

For the Council

The President

R. STEICHEN

⁽¹⁾ Opinion delivered on 19 April 1991 (not yet published in the Official Journal).

⁽²⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 1.

COMMISSION REGULATION (EEC) No 1031/91

of 25 April 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 24 April 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 26 April 1991.

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

Done at Brussels, 25 April 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 25 April 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	130,26 ⁽²⁾ ⁽³⁾
0712 90 19	130,26 ⁽²⁾ ⁽³⁾
1001 10 10	191,61 ⁽¹⁾ ⁽³⁾
1001 10 90	191,61 ⁽¹⁾ ⁽³⁾
1001 90 91	163,14
1001 90 99	163,14
1002 00 00	151,90 ⁽⁶⁾
1003 00 10	145,29
1003 00 90	145,29
1004 00 10	136,74
1004 00 90	136,74
1005 10 90	130,26 ⁽²⁾ ⁽³⁾
1005 90 00	130,26 ⁽²⁾ ⁽³⁾
1007 00 90	135,74 ⁽⁴⁾
1008 10 00	43,76
1008 20 00	134,27 ⁽⁴⁾
1008 30 00	51,63 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	51,63
1101 00 00	242,93 ⁽⁶⁾
1102 10 00	227,19 ⁽⁶⁾
1103 11 10	310,57 ⁽⁶⁾
1103 11 90	260,73 ⁽⁶⁾

⁽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 1032/91

of 25 April 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 24 April 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 26 April 1991.

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

Done at Brussels, 25 April 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 25 April 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	4	5	6	7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	4	5	6	7	8
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 1033/91**of 25 April 1991****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector 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 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 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 728/91⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 729/91⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 730/91⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 22 and 23 April 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 26 April 1991.

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 80, 27. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 80, 27. 3. 1991, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 80, 27. 3. 1991, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 1034/91

of 23 April 1991

imposing a provisional anti-dumping duty on imports of video tapes in cassettes
originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROCEDURE

- (1) In November 1989 the Commission received a written complaint lodged by the European Council of Chemical Manufacturers' Federation (Cefic) on behalf of producers whose collective output of video tapes in cassettes (hereafter referred to as video cassettes) was stated to constitute a major proportion of Community production of the product in question. The complaint contained evidence of dumping of the products concerned originating in the People's Republic of China (PRC) and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

The Commission accordingly announced, by notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of VHS video tapes in cassettes falling within CN code ex 8523 13 00 and originating in the People's Republic of China and commenced an investigation.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

Some Chinese exporters and all complainant Community producers made their views known in

writing. A submission was also made by one importer.

- (3) The Commission sought and verified all information it considered to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *Community producers :*

- AGFA Gevaert AG, München, Germany,
- BASF Aktiengesellschaft, Ludwigshafen, Germany,
- Magna Tonträger Produktions GmbH, Berlin, Germany,
- PD Magnetics BV, Oosterhout, Netherlands.

These Community producers are all members of Cefic.

(b) *Importer in the Community :*

Hamkong GmbH, Hamburg, Germany.

- (4) The following exporters replied to the Commission's questionnaire which was sent to all known exporters on the initiation of the proceeding :

- Acme Cassette Manufacturing, Guangdong, PRC,
- Buji Bantian Oscar Video Products Pty, Bao An, PRC,
- Dongguan Changan Jiekou Magnetic Tape Factory, Dongguan, PRC,
- Fuzhou Fortune Video Tapes Co. Ltd, Fuzhou, PRC,
- Fuzhou Wonderful Video Tapes Co. Ltd, Fuzhou, PRC,
- Long Gung Xin Shen Fung Fu Plastic Mfg, Bao An, Guangdong, PRC,
- Nan-Hua Magnet Electricity Co. Ltd, Chencun, PRC,
- Shantou Ocean Audio-Video Gen. Corp., Shantou, PRC,
- Song Gang Hang Sing Cassette Factory, Song Gang, Shen Zhen, PRC,
- Zhuhai Zhong Xing Magnetics Co. Ltd, Guangdong, PRC.

Since the People's Republic of China is a non market economy country and, consequently, normal value could not be determined on the basis of Article 2 (3) of Regulation (EEC) No 2423/88, no investigation was carried out at the premises of these exporters.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 92, 11. 4. 1990, p. 6.

- (5) An association of enterprises with foreign investments in China (joint ventures) requested and was granted a hearing.

- (6) The investigation of dumping covered the period 1 January to 31 December 1989 (investigation period).

B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

1. Product under consideration

- (7) The product concerned by the notice of initiation of the anti-dumping proceeding is referred to as VHS video tapes in cassettes of a width exceeding 6,5 mm (video cassettes).
- (8) These video cassettes are generally manufactured under licence from JVC (Japan Victor Company) and are used in video cameras to take films, in video cassette recorders to record television programmes and to play back such programmes and pre-recorded films. There are different models of video cassettes with various tape lengths and quality differences. However, generally-acknowledged quality standards for each of these different models do not exist and their basic physical characteristics and their uses are identical.

2. Like product

- (9) As far as the definition of the like product is concerned the Commission found that the video cassettes exported from the People's Republic of China to the Community are, apart from quality differences, alike in all respects to the Community-produced video cassettes.

3. Community industry

- (10) The Commission found that during the period under consideration, the four Community producers on behalf of which the complaint was lodged, manufactured about 90 % of the total Community output of the like products, i.e. a major proportion of the total Community production.
- (11) Accordingly, the Commission considered that they form the Community industry, within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. DUMPING

1. Normal value

- (12) Since the People's Republic of China does not have a market economy, normal value had to be determined according to the criteria laid down in Article 2 (5) of Regulation (EEC) No 2423/88. For this purpose the complainant had proposed using the domestic prices of video cassettes in Japan or in the Republic of Korea as a basis for establishing normal value.
- (13) As far as Japan is concerned, where considerable video cassette production is carried on, the Commission did not consider it reasonable to use Japan as suitable analogue market due to the difference in economic development of the People's Republic of China and Japan for the product concerned. In addition, informal contracts with several Japanese producers indicated that they were not prepared to cooperate with the Commission in establishing the normal value. The Korean producers contacted also refused to cooperate in the investigation.
- (14) The Commission therefore had to find another suitable market economy for reference. Producers were contacted in Australia, Hong Kong, Malaysia, Philippines, Singapore, Taiwan and Thailand. None of these producers were willing to cooperate with the Commission's services in establishing the normal value. No other countries were proposed either by the Community industry or by the Chinese exporters. The Commission has detailed information on normal value concerning Hong Kong and South Korea by virtue of the investigation which resulted in imposition of a definitive anti-dumping duty by Council Regulation (EEC) No 1768/89 ⁽¹⁾. This information could not be used as it did not relate to the investigation period and it was not possible to update it in particular because of the refusal of companies in Hong Kong and South Korea to cooperate.
- (15) To avoid any further delay in the proceeding, the Commission came to the conclusion that it had no choice but to establish the normal value in accordance with Article 2 (5) (c) of Regulation (EEC) No 2423/88, i.e. on the basis of the price payable in the Community for the like product. Indeed, this price is largely influenced by a large number of suppliers including some from Japan, South Korea and other countries.
- (16) The weighted average price paid by the first independent customer in the Community of the model (the E180) most sold by the four complainants (which comprised 75 % of sales) was calculated and adjusted to include a reasonable profit margin,

⁽¹⁾ OJ No L 174, 22. 6. 1989, p. 1.

which was set at a 12 % return on sales. This margin of 12 % is in line with that used in Commission Regulation (EEC) No 4062/88⁽¹⁾, which imposed a provisional anti-dumping duty on imports of video cassettes and video tape reels originating in the Republic of Korea and Hong Kong and confirmed in Regulation (EEC) No 1768/89.

- (17) Some Chinese exporters put forward the view that their costs are far lower due to the outdated machinery and equipment used in the production process and therefore the normal value should be calculated on the basis of their own production costs. However, as the People's Republic of China is a non-market economy, it was not possible to establish the normal value on the basis of cost of production in the country of export.

2. Export price

- (18) The Chinese exporters sell directly to independent importers in the Community and the export prices were therefore determined on the basis of the prices of the E180 model actually paid or payable for the products sold. The Commission took into account 70 % of all transactions during the investigation period by the Chinese exporters who responded to the questionnaire.
- (19) An association representing enterprises with foreign investments in the People's Republic of China (joint ventures) claimed that these companies operate on a market economy basis and that they should be treated on an individual basis and therefore differently from the State-owned companies in the People's Republic of China. Although the joint ventures may operate to some extent on a market economy basis, the Commission considered for the purposes of these provisional findings that these companies were not sufficiently independent from the non market economy forces that prevail in the People's Republic of China to be distinguished from the other exporters. Indeed, these companies' costs of production are also largely influenced by the general economic environment prevailing in the People's Republic of China. It is therefore not possible to distinguish the effect of possible market forces from the effect which the intervention of the Chinese government exerts on this particular industry. Consequently, for the purpose of these provisional findings one uniform dumping margin was calculated for all exporters from the country in question.

3. Comparison

- (20) As far as selling expenses are concerned adjustments were made for the estimated costs between the final customer and the ex-factory level, such as transport, packing, credit and other selling expenses.
- (21) Comparison was made at ex-factory basis and at the same level of trade. No differences in comparable physical characteristics could be found between the cassettes produced in the Community and the cassettes exported by the Chinese exporters. The Commission, however, took account of the fact that the Chinese cassettes are perceived by consumers as being of a lower quality than the Community-produced video cassettes. Therefore, an additional quality adjustment of 20 % was granted. It was considered that the consumers' perception of the value of Chinese video cassettes is equal to that for Hong Kong products for which an adjustment of 20 % was granted in Regulation (EEC) No 1768/89. Indeed the investigation showed that Chinese production of video cassettes is partly based on Hong Kong components and technology.

4. Dumping margin

- (22) The preliminary examination of the facts showed the existence of dumping, the dumping margin being equal to the amount by which the normal value as established exceeds the price for export to the Community. Since the People's Republic of China is a non-market economy, a uniform dumping margin based on the weighted average of all exporters has been calculated. The weighted average dumping margin was calculated to be 122,9 %, expressed as a percentage of the total cif value of the exports concerned.

D. INJURY

1. Consumption and market share

- (23) Consumption in the Community rose consistently from 167,7 million video cassettes in 1986, to 210,7 million in 1987, 247,5 million in 1988 and 281,6 million video cassettes in 1989.
- (24) The Eurostat import statistics show that imports of video cassettes from the People's Republic of China increased from 0,74 million units in 1986 to 1,65 million in 1987, 7,73 million in 1988 and 38,67 million video cassettes in 1989. This represents respective yearly increases of 123 %, 368 % and 400 %.

⁽¹⁾ OJ No L 356, 24. 12. 1988, p. 47.

- (25) It is recalled that the Council imposed a definitive anti-dumping duty on imports of video cassettes from Hong Kong and South Korea by Regulation (EEC) No 1768/89. This has led to a reduction in the imports from these two countries from 1988 to 1989, for Hong Kong from 32,7 to 5,18 million video cassettes (fall of 89,6 %) and for South Korea from 70,31 to 53,22 million video cassettes (fall of 24,3 %). The increase in Chinese imports corresponds to the decrease in Hong Kong exports to the Community.
- (26) During the period 1986 to 1989 the sales of the Community industry developed as follows: 51,2 million cassettes in 1986; 62,6 million in 1987; 76,7 million in 1988 and 78,0 million in 1989. This development represents a fall in the market share held by the Community producers from 30,5 % in 1986 to 27,7 % in 1989. During the same period the Chinese exporters increased their market share from 0,44 % in 1986 to 13,73 % in 1989. The Chinese market share increased in particular from 1988 to 1989 when the Community producers suffered the biggest reduction in market share.

2. Prices

- (27) A price comparison was made on the basis of sales made by the Community industry and the exporters to independent customers during the investigation period. The average unit selling prices of the most basic models of the Community producers were compared with the prices of the comparable models of the Chinese exporters sold to unrelated customers. The Commission also took account of the fact that the Chinese video cassettes are perceived by the customers to be of a lower quality than the Community-produced cassettes. A quality adjustment of 20 % was therefore granted.
- (28) This comparison showed price undercutting of 59,9 % during the reference period. Due to the high price elasticity of that market, this undercutting has prevented the Community from benefiting from the imposition of anti-dumping duty against imports of video cassettes from Hong Kong and the Republic of Korea and to achieve a reasonable level of profit.
- (29) As far as the prices from the Community industry are concerned, the weighted average price of the most sold video cassette, the VHS E180, decreased by 28,6 % from 1986 to 1989.

3. Other economic factors

- (30) The Commission found that the Community industry's production capacity had increased from

90,1 million cassettes in 1986 to 106,3 million in 1989, with a corresponding drop in the rate of utilization from 81,2 % in 1986 to 73,8 % in 1989. In the same period the Community producers' stocks of video cassettes increased from 13,8 in 1986 to 17,3 million video cassettes in 1989.

- (31) The value of the Community industry's sales increased slightly during the period from ECU 251,2 million in 1986 to ECU 255,3 million in 1989. The prices obtained by the industry did not allow it to obtain a positive rate of profit on sales and in 1986, 1987 and 1988 losses of -1,55 %, -15,34 %, -0,84 % respectively were incurred while a profit rate of 1,86 % was achieved in 1989. Three of the Community producers still suffered losses in 1989 despite vigorous cost cutting measures.
- (32) Employment in the Community industry fell from 3 958 jobs in 1986 to 3 179 jobs in 1989, a drop of 19,7 %.

4. Conclusion

- (33) In order to determine whether the Community industry is suffering material injury in the sense of Article 4 (1) of Regulation (EEC) No 2423/88, the Commission noted that the prices, market share, utilization rate and employment for the Community industry all decreased during the last four years.
- (34) Profits stayed at a very low level (1,86 % on turnover in 1989), despite strong efforts to reduce costs of production and despite the increase in production and sales and the consequent economies of scale.
- (35) The market share of the Community industry has fallen since 1986, especially from 1988 to 1989 with a drop from 30,9 % to 27,7 % with a simultaneous (1988 to 1989) increase in the market share of the Chinese exporters from 3,12 % to 13,73 %. Given the above, the Commission considers that the Community industry is suffering material injury.

E. CAUSATION OF INJURY

- (36) The Commission found that the drop in market share suffered by the Community industry, and the low rate of profitability achieved, coincided with significant increases in the volume of imports of Chinese video cassettes at very low prices. Since the video cassette market is a transparent and price-sensitive market the low prices of the dumped video cassettes have prevented the Community industry from increasing their prices and from

improving their financial situation after the imposition of a definitive anti-dumping duty on imports of video cassettes originating in the Republic of Korea and Hong Kong in June 1989.

- (37) No other cause such as volume and prices of non-dumped imports were found to have caused injury.
- (38) The Commission therefore considers that the dumped imports from the People's Republic of China, taken in isolation, have caused material injury to the Community industry.

F. COMMUNITY INTEREST

1. General consideration

- (39) The purpose of anti-dumping duties is to eliminate dumping which is causing injury to the Community industry and thus to re-establish a situation of open and fair competition on the Community market which is in the general Community interest.
- (40) While the Commission recognizes that the imposition of anti-dumping duties could affect price levels of the exporters concerned in the Community and subsequently may have some influence on the relative competitiveness of their products, it does not expect competition on the Community market to be considerably reduced by the taking of anti-dumping measures. On the contrary, the removal of the unfair advantages gained by the dumping practices of the Chinese exporters is designed to prevent the decline of the Community industry and thus to help to maintain the availability of a wide choice of products and to promote fair trading.

2. Interests of the Community industry

- (41) Taking into account the material injury suffered by the Community industry, especially in terms of profitability and market share, the Commission considers that without protective measures against the dumped imports which have been shown to have caused material injury, the Community industry will continue to suffer losses in market share and low profitability. It should be noted that AGFA, after accumulation of heavy losses in the video cassette business over several years, has decided to sell its video cassette production sector to BASF.
- (42) Any further continuation of the material injury to the Community industry would put several

thousand jobs in the industry itself and related industries at risk.

- (43) It should also be borne in mind that the technologies of video cassettes and other magnetic and electronic products are closely related. Any loss of know-how would have serious repercussions on the whole industrial sector for electronic media. It is therefore in the Community interest to assure a viable Community industry in the video cassette sector.
- (44) In addition, the Community market for video cassettes has not reached saturation and continued growth is expected. The Community industry has the capacity to meet any increase in demand, resulting from continued market growth and re-establishment of fair competitive conditions. This will enable the Community industry to benefit from its efforts in rationalizing and restructuring its production methods during the last few years. These efforts should be put at risk if the injurious dumping were allowed to continue.

3. Interests of other parties

- (45) As far as the interests of consumers are concerned the Commission is aware that the prices of these exports from the People's Republic of China may increase. It should be considered, however, that consumers have no right to continue to take advantage of the effect of unfair trade practices. Furthermore anti-dumping duties are designed to prevent the disappearance of the Community industry due to unfair trading practices and thus to preserve the choice of consumers. Thus, anti-dumping measures are, at least in the medium term, in the interest of the consumers. Moreover, the re-establishment of fair market conditions by anti-dumping measures should, after a certain period, result in a decrease in prices for the consumers. Finally, the foreseeable price increases for video cassettes in the short term will probably have only a minor effect since video cassettes have to be used together with high-value video cameras and video cassette recorders or players. Therefore, the global financial burden on consumers will be minimal.

4. Conclusion

- (46) In conclusion, after balancing the various interests involved, the Commission considers that the imposition of provisional measures in the present case will help to re-establish fair competition by eliminating the injurious effects of dumping practices, and is necessary to prevent any further aggravation of injury during the proceeding.

- (47) The Commission considers that it is in the Community interest to impose anti-dumping measures in the form of a provisional anti-dumping duty.

G. DUTY

- (48) In order to determine a level of duty which would eliminate the injury, the Commission calculated a target price for the model most sold by the Community industry, the VHS E180 (about 75 % of all sales). This target price was based on the weighted average cost of production of this model for the four Community producers and a target profit margin of 12 % on sales. When determining this margin, the Commission considered, on the one hand, the substantial investments in the past, and, on the other hand, the necessity for the Community industry to finance progress in video tape technology.
- (49) Given the present low capacity utilization of the Community industry, such a profit margin of 12 % applied on the basis of the level of sales during the investigation period would, however, not be sufficient to eliminate injury in total because it would not take account of the loss of sales due to the dumping practices. Consequently, the Commission calculated the profit shortfall in absolute figures on the basis of the said target profit (12 %) and a reasonable capacity utilization, taken as that achieved by the Community industry in 1988, i.e. before the surge in Chinese exports. By expressing this profit shortfall as a percentage of the actual turnover of the Community industry, the margin was calculated which represents the necessary price increase (25,8 %) for the Chinese exports. This calculation was based on the average cif value of the Chinese imported VHS E180 model. The fact that the imported models had additional customs and freight costs and that the consumers' perception of Chinese products to be of lower quality, which justifies a lower price, was taken into account. Conversely, given the market conditions for video cassettes in the Community and the fact that the Chinese exporters are not price leaders, that Chinese video cassettes have no brand image and are of a lower quality, it was considered that such a price increase is sufficient in order to enable the Community industry to increase its prices and to become fully profitable again.
- (50) The Community industry has argued that a target profit of 15 % should be used in the calculation of the injury. In addition the price undercutting of the Chinese exporters should, according to the industry, be substantially reduced in order to remove the injury suffered by the Community industry.

- (51) The Commission has carefully considered these arguments but is of the opinion that it would discriminate against the Chinese exporters were it to set a higher target profit rate than in previous cases concerning the same products, which was not contested by the Community industry. The Commission therefore rejects this claim.

- (52) In light of the above findings the Commission considers the imposition of a provisional anti-dumping duty of 25,8 % on video cassettes originating in the People's Republic of China to be appropriate.

- (53) A period should be fixed within which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of video tapes in cassettes falling within CN code ex 8523 13 00 (TARIC code: 8523 13 00*12) and originating in the People's Republic of China.
2. The rate of duty, applicable to the net free-at-Community-frontier price before duty, shall be 25,8 %.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the goods mentioned in paragraph 1 shall be conditional on the deposit of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, parties concerned may make known their point of view in writing and request a hearing from the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to the provisions of Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for four months, unless the Council adopts definitive measures before the expiry of this period.

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

Done at Brussels, 23 April 1991.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1035/91
of 24 April 1991
on the supply of corned beef as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 1 661 tonnes of corned beef;

Whereas it is necessary to make these supplies 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⁾, as

amended by Regulation (EEC) No 790/91 ⁽⁵⁾; 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

Corned beef 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, 24 April 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.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

1. **Operation Nos ⁽¹⁾:** 33 — 36/91
2. **Programme :** 1991
3. **Recipient ⁽²⁾:** UNRWA Headquarters, Vienna International Centre, PO Box 700, A-1400 Wien ; telex 135310 UNRWA A
4. **Representative of the recipient ⁽²⁾:**
 - Ashdod : UNRWA Field Supply and Transport Officer, West Bank, PO Box 19149, Jerusalem
 - Latakia : UNRWA Field Supply and Transport Officer, SAR, PO Box 4313, Damascus, SAR
5. **Place or country of destination :**
 - Lot A : Israel
 - Lot B : Lebanon
 - Lot C : Syria
 - Lot D : Jordan
6. **Product to be mobilized :** corned beef
7. **Characteristics and quality of the goods ⁽³⁾:**

Corned beef made exclusively of beef without any thickening additives other than natural collagen from the tendons :

 - Moisture content : maximum 60 %
 - Protein : minimum 21 %, the amount of collagen as a percentage of the total protein contents should not exceed 30 %
 - Fats : maximum 15,5 %
 - Salt : maximum 2 %, 50 ppm maximum total nitrate expressed as sodium nitrate
 - Sugar : maximum 1 %
 - Ash : maximum 3,5 %

The product should not contain bones, ligaments, gristle, hair or extraneous matter, should not be finely minced and should be free from objectionable odours and flavours
8. **Total quantity :** 1 661 tonnes
9. **Number of lots :** four (part A : 817 tonnes ; part B : 436 tonnes ; part C : 190 tonnes ; part D : 218 tonnes)
10. **Packaging and marking :**

The corned beef must be in tins of 340 g net each. The tins must be hermetically sealed with no trace of corrosion on the seams or internal parts

Special markings/labelling on/of tins : the lithographed label must show :

 - (a) a list of ingredients
 - (b) the net contents of the tin in grams
 - (c) the name and address of the manufacturer
 - (d) the country of origin
 - (e) the words 'NOT FOR SALE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY' in 5 mm block letters on two sides
 - (f) the production and expiry dates

The production and expiry dates are to be embossed on the lids of the tins. The expiry date to be indicated is the date of production plus four years, hence four years after the date of production

The tins are to be packed in export fibre (maritime) cartons suitable for shipment (sea transport). Each carton is to contain 48 tins, properly sealed upon packing ; the sealed cartons must be secured with strong fibre or other suitable securing tape. The cartons must be stowed in 20-foot containers (FLC/LCL shipper's count-load and stowage) ⁽⁶⁾

Marking on cartons (in letters at least 5 cm high):

- Lot A: 'ACTION No 33/91 / CORNED BEEF / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA — TO PALESTINE REFUGEES / ASHDOD / DATE OF PRODUCTION / DATE OF EXPIRY.'
- Lot B: 'ACTION No 34/91 / CORNED BEEF / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA — TO PALESTINE REFUGEES / LATAKIA FOR LEBANON / DATE OF PRODUCTION / DATE OF EXPIRY.'
- Lot C: 'ACTION No 35/91 / CORNED BEEF / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA — TO PALESTINE REFUGEES / LATAKIA / DATE OF PRODUCTION / DATE OF EXPIRY.'
- Lot D: 'ACTION No 36/91 / CORNED BEEF / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA — TO PALESTINE REFUGEES / LATAKIA FOR JORDAN / DATE OF PRODUCTION / DATE OF EXPIRY.'

11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:**
 - Lot A: Ashdod⁽⁹⁾
 - Lots B, C and D: Latakia⁽¹⁰⁾
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 10 — 25. 6. 1991
18. **Deadline for the supply:** 15. 7. 1991
19. **Procedure for determining the costs of supply:** invitation to tender
20. **Deadline for the submission of tenders:** 12 noon on 14. 5. 1991
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 28. 5. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 25. 6 — 10. 7. 1991
 - (c) deadline for the supply: 30. 7. 1991
22. **Amount of tendering security:** ECU 15 per tonne
23. **Amount of delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders^(*):** Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on application by the successful tenderer^(?):** refunds only for products covered by product code 1602 50 90 120 or 1602 50 90 320, referred to in Commission Regulation (EEC) No 3445/89 (OJ No L 336, 20. 11. 1989, p. 1). The refunds are those which are applicable at the expiry date of the time limit for the submission of tenders

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the recipient a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

- health certificate,
- certificate of origin.

- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- by porter at the office referred to in point 24 of the Annex, or
 - by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annex.
- (⁶) The contracted shipping terms shall be considered full liner terms (liner in/liner out) free Ashdod/Latakia, container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
- (⁷) The supplier is to inform the Manager, Supply Division, UNRWA, Vienna, by telex number 135310 UNRWA A, of the name of the carrying vessel and the names and addresses of the shipping agent and insurance agent at the port of landing.
- (⁸) The successful tenderer is to contact the recipient as soon as possible to establish what consignment documents are required and how they are to be distributed.
- (⁹) Ashdod : consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net, not more than 50 containers being shipped on any vessel.
- (¹⁰) The health certificate and the certificate of origin must be signed and stamped by a Syrian consulate, including a statement that consular fees and charges have been paid.

COMMISSION REGULATION (EEC) No 1036/91
of 25 April 1991

**re-establishing the levying of customs duties applicable to third countries on
certain products originating in Yugoslavia**

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

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol 1 thereto,

Having regard to Council Regulation (EEC) No 3412/90 of 19 November 1990 establishing ceilings and Community surveillance for imports of certain products originating in Yugoslavia (1991) ⁽²⁾, and in particular Article 1 thereof,

Whereas the abovementioned Protocol 1 and Article 15 of the Cooperation Agreement provide that the products listed in the Annex hereto are imported exempt of customs duty into the Community, subject to the annual ceiling shown in the Annex hereto, above which the customs duties applicable to third countries may be re-established;

Whereas imports into the Community of those products, originating in Yugoslavia, have reached that ceiling; whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

From 29 April to 31 December 1991, the levying of customs duties applicable to third countries shall be re-established on imports into the Community of the products listed in the Annex, originating in Yugoslavia.

Article 2

This Regulation shall enter into force on the third 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, 25 April 1991.

For the Commission

Christianę SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 335, 30. 11. 1990, p. 1.

ANNEXE

Order No d'ordre	CN Code	Description	Ceiling (tonnes)
01.0020	3102 10 91	— — — Order urea in aqueous solution	35 925
	3102 10 99	— — — Other	
		— Ammonium sulphate; double salts and mixtures of ammonium sulphate and ammonium nitrate:	
	3102 21 00	— — Ammonium sulphate	
	3102 29	— — Other:	
	3102 29 10	— — — Ammonium sulphate-nitrate	
	3102 29 90	— — — Other	
	3102 30	— Ammonium nitrate, whether or not in aqueous solution:	
	3102 30 10	— — In aqueous solution	
	3102 30 90	— — Other	
	3102 40	— Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilizing substances:	
	3102 40 10	— — With a nitrogen content not exceeding 28 % by weight	
	3102 40 90	— — With a nitrogen content exceeding 28 % by weight	
	3102 50	— Sodium nitrate:	
	3102 50 90	— — Other fertilizers	
	3102 60 00	— Double salts and mixtures of calcium nitrate and ammonium nitrate	
	3102 70 00	— Calcium cyanamide	
	3102 80 00	— Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution	
	3102 90 00	— Other, including mixtures not specified in the foregoing subheadings	

COMMISSION REGULATION (EEC) No 1037/91

of 25 April 1991

re-establishing the levying of customs duties on the products falling within CN code 3102 80 00, originating in Bulgaria, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

the countries and territories concerned may at any time be re-established;

Whereas, in the case of the products falling within CN code 3102 80 00, originating in Bulgaria, the individual ceiling was fixed at ECU 1 352 000; whereas, on 22 March 1991, imports of these products into the Community originating in Bulgaria reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Bulgaria,

HAS ADOPTED THIS REGULATION:

Article 1

As from 29 April 1991, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Bulgaria:

Order No	CN code	Description
10.0408	3102 80 00	Mixtures of urea and ammonium nitrate

Article 2

This Regulation shall enter into force on the third 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, 25 April 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

COMMISSION REGULATION (EEC) No 1038/91

of 25 April 1991

on supplies of butter and skimmed-milk powder to Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 879/91 of 9 April 1991 laying down detailed rules for urgent action for the supply of butter and skimmed-milk powder to Bulgaria and Romania and amending Regulation (EEC) No 569/88 ⁽¹⁾, and in particular Article 3 (2) thereof,

Whereas, in accordance with Council Regulation (EEC) No 597/91 of 5 March 1991 on urgent action for the supply of agricultural and medical products intended for the people of Romania and Bulgaria ⁽²⁾, an invitation to tender was opened by Regulation (EEC) No 879/91 with a view to fixing the costs of the supply;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 879/91 and in view of the tenders received, the Commission is to fix a maximum amount for supply costs or is to decide not to take any action in response to tenders; whereas, in view of the tenders submitted and notified by the German and French intervention agencies, a maximum amount should be fixed for supplies of butter and skimmed-milk powder to Bulgaria; whereas, however, action should not be taken in respect of tenders for the supply of skimmed-milk powder to Romania and a further closing date should be fixed for the submission of tenders and in particular for carrying out the supply;

Whereas, owing to the need to inform tenderers as soon as possible of the outcome of their participation in the various invitations to tender, provision should be made for

the entry into force of this Regulation on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

For the invitations to tender opened by Regulation (EEC) No 879/91 and in view of the tenders forwarded to the Commission on 17 April 1991:

1. as regards the supply of 2 000 tonnes of butter to Bulgaria, the maximum price for supply costs shall be ECU 316 per tonne;
2. as regards the supply of 3 300 tonnes of skimmed-milk powder to Bulgaria, the maximum price for supply costs shall be ECU 125,03 per tonne;
3. as regards the supply of 2 000 tonnes of skimmed-milk powder to Romania:
 - (a) no action shall be taken in response to the tenders;
 - (b) by 12 noon on 7 May 1991 at the latest, each interested party shall submit his tender to the agencies whose addresses are given in the Annex to Regulation (EEC) No 879/91;
 - (c) the supply must be carried out before 15 June on the terms laid down in the Regulation referred to in (b) and proof of supply presented before 15 July 1991.

Article 2

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

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 89, 10. 4. 1991, p. 28.

⁽²⁾ OJ No L 67, 14. 3. 1991, p. 17.

COMMISSION REGULATION (EEC) No 1039/91
of 25 April 1991
authorizing Germany to maintain special measures for the disposal of skimmed milk

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector as a result of German unification⁽¹⁾, and in particular Article 3 thereof,

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⁽²⁾, as last amended by Regulation (EEC) No 3641/90⁽³⁾, and in particular Article 10 (3) thereof,

Whereas Commission Regulation (EEC) No 3634/90⁽⁴⁾ authorizes Germany to maintain special measures for the disposal of skimmed milk and skimmed-milk powder until 28 February 1991; whereas the difficulties of adaptation justifying those measures remain; whereas the application of those measures should be extended in respect, however, of liquid skimmed milk only, in view of the resumption of buying in of skimmed-milk powder since 1 March;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Germany is hereby authorized until 31 August 1991 to maintain special measures for the disposal of liquid skimmed milk produced within the territory of and from

milk originating in the former German Democratic Republic and intended for feeding to animals other than young calves.

2. The German authorities shall ensure:

- that the skimmed milk is used by breeding or fattening establishments located within the territory of the former German Democratic Republic,
- that the delivery price to such establishments is not less than ECU 1,30 per 100 kilograms of skimmed milk.

3. The measures referred to in paragraph 1 shall be financed by the European Agricultural Guidance and Guarantee Fund (EAGGF) up to the amount set out in Article 1 of Commission Regulation (EEC) No 1634/85⁽⁵⁾.

4. Germany shall notify the Commission:

- forthwith, of the control measures adopted for the application of this Regulation,
- by the 20th day of each month at the latest in respect of the month preceding that of notification, of the quantities of skimmed milk for which aid has been applied for under this Regulation.

Article 2

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

It shall apply with effect from 1 March 1991.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽³⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽⁴⁾ OJ No L 355, 18. 12. 1990, p. 12.

⁽⁵⁾ OJ No L 158, 18. 6. 1985, p. 7.

COMMISSION REGULATION (EEC) No 1040/91**of 25 April 1991****on monetary compensatory amounts applicable depending on the trend in the escudo**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Article 5 (2) thereof,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts ⁽³⁾, as last amended by Regulation (EEC) No 287/91 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85 were fixed by Commission Regulation (EEC) No 1207/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 950/91 ⁽⁶⁾;

Whereas Commission Regulation (EEC) No 3153/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 3672/89 ⁽⁸⁾, lays down detailed rules for calculating monetary compensatory amounts; whereas the spot market rates recently recorded during the reference periods referred to in Article 2 of Regulation (EEC) No 3153/85 for the Portuguese escudo might lead, pursuant to Article 5 (3) of

Regulation (EEC) No 1677/85, to the frequent introduction and suppression of monetary compensatory amounts applicable to Portugal;

Whereas, in view of this irregular trend in the escudo in recent weeks, confirmation of the trend in that currency should be awaited before it is decided to introduce monetary compensatory amounts in order to avoid an erratic application of the system;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

The monetary compensatory amount applying to Portugal shall remain equal to 0 until the first time when the real monetary gap for the escudo in absolute value exceeds 2,0 points during two consecutive reference periods finishing after the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on 29 April 1991.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.
⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.
⁽³⁾ OJ No L 312, 18. 11. 1988, p. 16.
⁽⁴⁾ OJ No L 35, 7. 2. 1991, p. 10.
⁽⁵⁾ OJ No L 122, 14. 5. 1990, p. 1.
⁽⁶⁾ OJ No L 101, 22. 4. 1991, p. 1.
⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.
⁽⁸⁾ OJ No L 358, 8. 12. 1989, p. 28.

COMMISSION REGULATION (EEC) No 1041/91

of 25 April 1991

fixing the representative market rates to be applied for certain amounts in the context of the common agricultural policy and, in particular, for the calculation of the monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Article 9 (2) thereof,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts ⁽³⁾, as last amended by Regulation (EEC) No 287/91 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85 were fixed by Commission Regulation (EEC) No 1207/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 950/91 ⁽⁶⁾, on the basis of the central rates and, for certain Member States, on the basis of the exchange rates referred to in Article 3 of Commission Regulation (EEC) No 3153/85 of 11 November 1985 laying down detailed rules for the calculation of monetary compensatory amounts ⁽⁷⁾, as last amended by Regulation (EEC) No 3672/89 ⁽⁸⁾;

Whereas the spot market rates recorded in accordance with Regulation (EEC) No 3153/85 in the period 17 to 23 April 1991 for the Portuguese escudo lead, pursuant to Article 9 (2) of Regulation (EEC) No 1677/85, to a change in the compensatory amounts applicable to Portugal and an adaptation of the agricultural conversion rate for Portugal in the pigmeat sector in accordance with Article 6a of Regulation (EEC) No 1677/85; whereas, however, Commission Regulation (EEC) No 1040/91 of 25 April 1991 on monetary compensatory amounts applicable

depending on the trend in the escudo ⁽⁹⁾ temporarily suspends the application of the compensatory amount in question pending confirmation of the trend in the escudo;

Whereas, in accordance with Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁰⁾, as last amended by Regulation (EEC) No 3237/90 ⁽¹¹⁾, the rates used to fix or, where appropriate, adjust the monetary compensatory amounts, from this time forth defined as representative market rates, are to be used for the conversion into ecus of the amounts relating to world market data and expressed in the national currency of a Member State; whereas, pursuant to Article 2 (4) of Council Regulation (EEC) No 1676/85 ⁽¹²⁾, as last amended by Regulation (EEC) No 2205/90, those rates are also to be used for the conversion of certain other agricultural amounts; whereas the rates in question should be fixed to make it easier to use them,

HAS ADOPTED THIS REGULATION:

Article 1

The representative market rates referred to in Article 3a of Regulation (EEC) No 3152/85, to be applied for certain amounts in the context of the common agricultural policy and used to fix or, where appropriate, to adjust the monetary compensatory amounts, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 April 1991.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽⁴⁾ OJ No L 35, 7. 2. 1991, p. 10.

⁽⁵⁾ OJ No L 122, 14. 5. 1990, p. 1.

⁽⁶⁾ OJ No L 101, 27. 4. 1991, p. 1.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1989, p. 28.

⁽⁹⁾ See page 31 of this Official Journal.

⁽¹⁰⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽¹¹⁾ OJ No L 310, 9. 11. 1990, p. 18.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Representative market rates to be applied for certain amounts in the context of the common agricultural policy and, in particular, for the calculation of the monetary compensatory amounts

	100 Lit	1 £	1 £ Irl	1 ECU
Bfrs/Lfrs	2,75661	61,2270	55,2545	48,5563
Dkr	0,509801	11,3232	10,2186	8,97989
DM	0,133650	2,96850	2,67893	2,35418
FF	0,448246	9,95598	8,98480	7,89563
Fl	0,150590	3,34474	3,01847	2,65256
£ Irl	0,0498894	1,10809	—	0,878776
£	0,0450228	—	0,902453	0,793054
Lit	—	2 221,10	2 004,44	1 761,45
Dr	14,4866	321,761	290,374	255,174
Esc	11,5933	257,498	232,380	204,210
Pta	8,27375	183,768	165,842	145,738

**COMMISSION REGULATION (EEC) No 1042/91
of 25 April 1991**

adjusting the agricultural conversion rates for the pigmeat sector in Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, as last amended by Regulation (EEC) No 287/91⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, lays down that the agricultural

conversion rates of a Member State should be adjusted so as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the Portuguese escudo during the reference period 17 to 23 April 1991 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁵⁾, as last amended by Regulation (EEC) No 952/91⁽⁶⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁷⁾, as last amended by Regulation (EEC) No 3672/89⁽⁸⁾, an increase in the monetary differences applicable in the pigmeat sector in Portugal effective from 29 April 1991; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to prevent the creation of these new differences having regard to the criteria in Article 7 of Regulation (EEC) No 3578/88,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex X to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	ECU 1 = Esc ..	Applicable until	ECU 1 = Esc ..	Applicable from
'Pigmeat	206,965	28 April 1991	204,210	29 April 1991'

Article 2

This Regulation shall enter into force on 29 April 1991.

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

Done at Brussels, 29 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 35, 7. 2. 1991, p. 10.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 101, 22. 4. 1991, p. 43.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1989, p. 28.

COMMISSION REGULATION (EEC) No 1043/91
of 25 April 1991
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3(1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3(1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3(1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- 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 the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1991.

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 April 1991 fixing the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund ⁽¹⁾
1509 10 90 100	0,00
1509 10 90 900	0,00
1509 90 00 100	0,00
1509 90 00 900	0,00
1510 00 90 100	0,00
1510 00 90 900	0,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 365, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 1044/91

of 25 April 1991

fixing the maximum export refunds on olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) 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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3192/90 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EEC) No 3192/90 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 April 1991.

Article 2

This Regulation shall enter into force on 1 May 1991.

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

Done at Brussels, 25 April 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 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 1. 11. 1990, p. 96.

ANNEX

to the Commission Regulation of 25 April 1991 fixing the maximum export refunds on olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	—
1509 10 90 900	—
1509 90 00 100	35,00
1509 90 00 900	—
1510 00 90 100	5,00
1510 00 90 900	—

NB: The products 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 1045/91**of 25 April 1991****adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 15 and 19 April 1991**

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 608/86⁽¹⁾ laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and from Portugal, as last amended by Regulation (EEC) No 334/91⁽²⁾, fixes the indicative ceilings for milk sector products for 1991 and splits these up into monthly ceilings;

Whereas applications for STM licences in the Community of Ten for cheese of category 3 lodged between 15 and 19 April 1991 relate to quantities higher than the ceiling set for the second quarter;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the initiative ceiling will be attained or exceeded; whereas to this it is necessary, as an interim protective measure, in view of the number of requests, for

the products concerned and only for the Community of Ten, to issue licences up to a percentage of the quantities applied for category 3 and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 15 and 19 April 1991 for the Community of Ten and lodged with the Commission, for milk products falling within:

— category 3 of CN code ex 0406 are hereby accepted up to a percentage of 65,89 %.

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within category 3 above the percentages referred to in paragraph 1.

Article 2

This Regulation shall enter into force on 26 April 1991.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 39, 13. 2. 1991, p. 15.

COMMISSION REGULATION (EEC) No 1046/91

of 25 April 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 1022/91 ⁽⁴⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 24 April 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 April 1991.

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

Done at Brussels, 25 April 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 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 105, 25. 4. 1991, p. 48.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 25 April 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,63 ⁽¹⁾
1701 11 90	39,63 ⁽¹⁾
1701 12 10	39,63 ⁽¹⁾
1701 12 90	39,63 ⁽¹⁾
1701 91 00	44,23
1701 99 10	44,23
1701 99 90	44,23 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1047/91**of 25 April 1991****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, as amended by
Regulation (EEC) No 3577/90⁽²⁾, and in particular the
Article 10 thereof,

Whereas the import levies on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat were
fixed by Commission Regulation (EEC) No 773/91⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 773/91 to the quota-
tions and other information 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 on live sheep and goats and on sheep-
meat and goatmeat other than frozen meat shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1991.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 68.

ANNEX

to the Commission Regulation of 25 April 1991 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 18 from 6 to 12 May 1991	Week No 19 from 13 to 19 May 1991	Week No 20 from 20 to 26 May 1991	Week No 21 from 27 May to 2 June 1991
0104 10 90 ⁽¹⁾	109,505	107,616	104,561	101,511
0104 20 90 ⁽¹⁾	109,505	107,616	104,561	101,511
0204 10 00 ⁽²⁾	232,990	228,970	222,470	215,980
0204 21 00 ⁽²⁾	232,990	228,970	222,470	215,980
0204 22 10 ⁽²⁾	163,093	160,279	155,729	151,186
0204 22 30 ⁽²⁾	256,289	251,867	244,717	237,578
0204 22 50 ⁽²⁾	302,887	297,661	289,211	280,774
0204 22 90 ⁽²⁾	302,887	297,661	289,211	280,774
0204 23 00 ⁽²⁾	424,042	416,725	404,895	393,084
0204 50 11 ⁽²⁾	232,990	228,970	222,470	215,980
0204 50 13 ⁽²⁾	163,093	160,279	155,729	151,186
0204 50 15 ⁽²⁾	256,289	251,867	244,717	237,578
0204 50 19 ⁽²⁾	302,887	297,661	289,211	280,774
0204 50 31 ⁽²⁾	302,887	297,661	289,211	280,774
0204 50 39 ⁽²⁾	424,042	416,725	404,895	393,084
0210 90 11 ⁽³⁾	302,887	297,661	289,211	280,774
0210 90 19 ⁽³⁾	424,042	416,725	404,895	393,084

⁽¹⁾ The levy applicable is limited in the conditions laid down by Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 1373/90 and Commission Regulations (EEC) No 19/82, (EEC) No 1249/90, (EEC) No 1580/90 and (EEC) No 2085/90.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 1048/91
of 25 April 1991
fixing the import levies on frozen sheepmeat and goatmeat

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 774/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 774/91 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1991.

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

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 71.

ANNEX

to the Commission Regulation of 25 April 1991 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾

(ECU/100 kg)

CN code	Week No 18 from 6 to 12 May 1991	Week No 19 from 13 to 19 May 1991	Week No 20 from 20 to 26 May 1991	Week No 21 from 27 May to 2 June 1991
0204 30 00	222,243	219,228	214,353	209,485
0204 41 00	222,243	219,228	214,353	209,485
0204 42 10	155,570	153,460	150,047	146,640
0204 42 30	244,467	241,151	235,788	230,434
0204 42 50	288,916	284,996	278,659	272,331
0204 42 90	288,916	284,996	278,659	272,331
0204 43 00	404,482	398,995	390,122	381,263
0204 50 51	222,243	219,228	214,353	209,485
0204 50 53	155,570	153,460	150,047	146,640
0204 50 55	244,467	241,151	235,788	230,434
0204 50 59	288,916	284,996	278,659	272,331
0204 50 71	288,916	284,996	278,659	272,331
0204 50 79	404,482	398,995	390,122	381,263

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

COMMISSION REGULATION (EEC) No 1049/91

of 25 April 1991

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fixing regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3641/90 ⁽²⁾, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 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 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 2767/90 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended

for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 26 April 1991.

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

Done at Brussels, 25 April 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 25 April 1991 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		70,00
0402 10 19 000		70,00
0402 10 91 000		0,7000
0402 10 99 000		0,7000
0402 21 11 200		70,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		115,00
0402 21 17 000		70,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		115,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88

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

Product code	Destination (")	Amount of refund
0402 29 15 200		0,7000
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,7000
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		-0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—

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

Product code	Destination (*)	Amount of refund
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		70,00
0403 90 13 200		70,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,7000
0403 90 33 200		0,7000
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		1,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		70,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		70,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		70,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		70,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,7000
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,7000
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,7000
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,7000
0404 90 93 130		0,9972
0404 90 93 150		1,0600

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		128,54
0405 00 10 300		161,71
0405 00 10 500		165,85
0405 00 10 700	056	198,00 (*)
	...	170,00
0405 00 90 100		170,00
0405 00 90 900		220,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500	028	—
0406 30 10 550	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	***	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	***	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100	028	—
0406 30 39 300	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

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

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	***	126,87
0406 40 00 100	028	—
0406 40 00 900	032	—
	038	—
	400	120,00
	404	—
	***	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	***	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
0406 90 15 900	***	159,34
		—

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

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	***	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	***	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	***	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	***	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	***	110,79

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (°)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	***	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	***	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	***	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	***	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	***	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	***	130,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		1,50
2309 10 15 300		2,00
2309 10 15 400		2,50
2309 10 15 500		3,00
2309 10 15 700		3,50

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		1,50
2309 10 19 300		2,00
2309 10 19 400		2,50
2309 10 19 500		3,00
2309 10 19 600		3,50
2309 10 19 700		3,75
2309 10 19 800		4,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		21,00
2309 10 70 200		28,00
2309 10 70 300		35,00
2309 10 70 500		42,00
2309 10 70 600		49,00
2309 10 70 700		56,00
2309 10 70 800		61,60
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		1,50
2309 90 35 300		2,00
2309 90 35 400		2,50
2309 90 35 500		3,00
2309 90 35 700		3,50
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		1,50
2309 90 39 300		2,00
2309 90 39 400		2,50
2309 90 39 500		3,00
2309 90 39 600		3,50
2309 90 39 700		3,75
2309 90 39 800		4,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		21,00
2309 90 70 200		28,00
2309 90 70 300		35,00
2309 90 70 500		42,00
2309 90 70 600		49,00
2309 90 70 700		56,00
2309 90 70 800		61,60
2309 90 70 900		—

(¹) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 91/91 (OJ No L 11, 16. 1. 1991, p. 5).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

(²) This amount shall not apply to butter exported pursuant to Commission Regulations (EEC) No 3775/90 (OJ No L 364, 28. 12. 1990, p. 2), for which the refund applicable is that fixed for the other destinations.

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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 April 1991

amending Decision 90/136/EEC approving the draft measures for implementation in the United Kingdom of Article 3b of Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

(Only the English text is authentic)

(91/236/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 ⁽¹⁾, as last amended by Regulation (EEC) No 306/91 ⁽²⁾, and in particular the second subparagraph of Article 3b (1) thereof,

Whereas the abovementioned provisions stipulate that the Member States are to notify the draft national measures which they contemplate adopting for the implementation of the said Article 3b and that these must first be approved by the Commission; whereas the United Kingdom has already fulfilled this obligation;

Whereas a small quantity remains unallocated; whereas the intended allocation of this quantity as notified by the United Kingdom on 14 February 1991 should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The draft national provisions for implementation in the United Kingdom of Article 3b of Regulation (EEC) No 857/84 as supplemented by the assignment of an additional or specific reference quantity to producers of farm produced yoghurts and other dairy products are hereby approved.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 23 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 37, 9. 2. 1991, p. 4.

COMMISSION DECISION

of 25 April 1991

concerning further protection measures relating to a new pig disease

(91/237/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 91/67/EEC⁽²⁾, and in particular Article 10 thereof,

Whereas several disease outbreaks caused apparently by an infectious but not characterized agent have occurred in pigs in certain parts of Germany, and the Netherlands;

Whereas the disease is being considered for the time being as a new disease which results in unusual numbers of abortions or premature farrowings in sows and deaths and weakness in young piglets which cannot otherwise be attributed to a known disease;

Whereas abortion is considered as the observed production of foetuses between service and up to and including the 109th day of pregnancy, and where none of the foetuses survive more than 24 hours;

Whereas premature farrowing is considered as the observed production of foetuses before the 110th day of pregnancy, but where some piglets survive for more than 24 hours;

Whereas the disease has the potential for rapid spread within areas with a high density of pigs;

Whereas the disease is likely to constitute a hazard to pig production;

Whereas it appears necessary to take account of the evolution of the disease; whereas, in this framework, it appears necessary to apply further appropriate measures in all Member States and to take restrictive measures for areas where there have been a relatively large number of outbreaks;

Whereas the authorities of the Member States have engaged themselves to implement national measures that

are necessary to guarantee the efficient implementation of this Decision when pigs are sent to other Member States;

Whereas, as a result of the outbreaks of the 'new' pig disease, the Commission adopted Decision 91/109/EEC of 1 March 1991 concerning certain protection measures relating to a new pig disease⁽³⁾; whereas in the interest of clarity the said Decision should be repealed and a more appropriate text adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision an infected holding means a holding where unusual numbers of abortions or premature farrowings in sows or gilts and deaths and weakness in young piglets, not attributable to known diseases, have been observed within the last eight weeks.

Article 2

Member States shall take all reasonable measures to avoid the spread of the disease referred to in Article 1 within and from infected holdings. These measures shall include:

- destroying all the products such as placentae, foetuses and dead piglets from all abortions, premature farrowings and normal farrowings,
- arranging thorough cleansing and disinfection of farrowing quarters after each abortion, early farrowing or normal farrowing,
- arranging for disinfection procedures at the entrances and exits of buildings housing breeding stock,
- forbidding the movement of breeding pigs (sows, gilts and boars) to non-infected holdings.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽³⁾ OJ No L 56, 2. 3. 1991, p. 30.

Article 3

Member States shall not send to other Member States pigs originating from an infected holding.

Article 4

Member States shall not send to other Member States breeding pigs originating from:

- holdings where within 30 days before the date of certification, pigs have been introduced from a municipality in which an infected holding is situated,
- a municipality in which an infected holding is situated.

Article 5

Member States shall not send to other Member States production pigs originating from holdings where within 30 days of certification, pigs have been introduced from an infected holding.

Article 6

1. Without prejudice to Article 5, Belgium, Germany and the Netherlands, as from 26 April 1991, shall not send to other Member States production pigs from high health risk municipalities.
2. For the purposes of this Decision a high health risk municipality means a municipality which contains, at any one time, two or more infected holdings.

Article 7

Member States shall, during the first working day of each week, present to other Member States and the Commission a list of:

- municipalities in which one or more infected holdings are situated,
- high health risk municipalities.

Article 8

Without prejudice to Articles 3, 4 and 5 breeding and production pigs and slaughter pigs coming from a farm containing breeding pigs sent from Belgium, Germany and the Netherlands as from 26 April 1991 to other Member States shall:

- (a) originate from a herd which has been submitted to a health examination by a veterinarian within the

previous 48 hours of the date of certification and found to have presented no sign of disease;

- (b) be transported in a means of transport which has been sealed in such a way as to prevent substitution of pigs but to allow for access in accordance with the requirements of Community rules on the protection of animals during transport. The means of transport utilized must be cleaned and disinfected before and after each journey. In respect of slaughter pigs sent from Germany, however, the sealing of means of transport shall apply only to pigs coming from Nordrhein-Westfalen, Lower Saxony or any other infected municipality.

Article 9

The health certificate provided for in Models III and IV of Annex F to Council Directive 64/432/EEC⁽¹⁾ accompanying pigs during transport to the country of destination must be annotated as follows:

'Animals in accordance with Commission Decision 91/237/EEC concerning further protection measures relating to a new pig disease.'

Article 10

Decision 91/109/EEC is hereby repealed.

Article 11

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 12

The Commission will follow developments in the disease situation and may amend or revoke this Decision in the light of such developments and such new epidemiological information on the said disease that may be revealed during a seminar to be held in Brussels on the 29 and 30 April 1991.

Article 13

This Decision is addressed to the Member States.

Done at Brussels, 25 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.