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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1391/91

of 27 May 1991

imposing a definitive anti-dumping duty on imports of aspartame originating in Japan and the United States of America

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 3421/90⁽²⁾, imposed a provisional antidumping duty on imports of aspartame originating in Japan and in the United States of America (USA). That duty was extended for a maximum period of two months by Council Regulation (EEC) No 792/91⁽³⁾.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, the Japanese and the American producers/exporters named in Regulation (EEC) No 3421/90 and the complainant each requested, and were granted, a hearing with regard to the findings set out in this Regulation. They also made written submissions making their views known on the findings.

- (3) A number of consumers of aspartame made written submissions to the Commission. However, only one of them substantiated its views.
- (4) Upon request, parties were also informed, both orally and subsequently in writing, of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They also were granted a period within which to make representations in accordance with to Article 7 (4) (c) (iii) of Regulation (EEC) No 2423/88.
- (5) The oral and written submissions and comments of the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.
- (6) Due to the complexity of the proceeding, in particular to the detailed verification of the data and the numerous arguments put forward, the investigation could not be concluded within the time limit provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88.
- (7) The Commission has disregarded all studies and submissions, for which no meaningful non-confidential summary was submitted, since this would have deprived the other parties of their rights of defence.

C. DUMPING

(a) THE UNITED STATES OF AMERICA

I. Normal value

- (8) Normal value has been established on the basis of the weighted average domestic price, net of all discounts, in accordance with Article 2 (3) (a) of Regulation (EEC) No 2423/88. In the absence of new arguments the findings laid down in recitals 12 to 19 of Regulation (EEC) No 3421/90 are confirmed.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 330, 29. 11. 1990, p. 16.

⁽³⁾ OJ No L 82, 28. 3. 1991, p. 1.

The Council confirms the Commission's findings in this regard.

II. Export price

- (9) As set out in recital 20 of Regulation (EEC) No 3421/90 export prices have been determined on the basis of the price actually paid or payable for the product sold for export to the Community in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88. In the absence of new arguments the findings laid down in recitals 20 to 23 of Regulation (EEC) No 3421/90 are confirmed by the Council.

III. Comparison

- (10) As set out in recital 28 of Regulation (EEC) No 3421/90 due allowance has been made in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88 with regard to both the export price and the normal value for the differences affecting price comparability. The allowances granted on this basis were set out in recital 29 of Regulation (EEC) No 3421/90 and are confirmed. All adjustments requested by the NutraSweet Co. have been granted, irrespective of their justification, since they had no influence on the outcome of the case.
- (11) The Council confirms the Commission's findings on adjustments given for the purpose of a fair comparison between normal value and export price.

IV. Dumping margin

- (12) Normal value was compared with the export prices on a transaction by transaction basis. The examination of the facts shows the existence of dumping in respect of aspartame originating in the USA, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.
- (13) The weighted average margin of dumping amounts to ECU 66 per kilogram.

The Council confirms the Commission's findings on the dumping margin.

(b) JAPAN

I. Normal value

- (14) Following the imposition of provisional anti-dumping duties the Commission has reconsidered the dumping situation.

This case presents the particularity that the Japanese product was not imported into the Community directly from Japan, but was first exported to the USA. For such a situation Article 2 (6) of Regulation (EEC) No 2423/88 provides that normal value can be established on the basis of prices paid or payable in either the country of origin (Japan) or the country of export (USA) and that the price in the country of origin (Japan) might be appropriate in cases where the product is merely transhipped through the country of export (USA), where the product is not produced in the country of export (USA) or where no comparable price for it exists there.

- (15) The investigation revealed that the product was not merely transhipped through the USA but was actually sold to and imported by the US producer/exporter in the USA before exportation to the Community. The investigation also showed that there was substantial production within the USA and that there was a comparable price for aspartame in the USA.
- (16) In these circumstances the conditions under which, pursuant to Article 2 (6) of Regulation (EEC) No 2423/88, the country of origin might be considered appropriate as a basis for establishing normal value are not fulfilled.
- (17) In addition, the investigation showed that the Japanese product was fully interchangeable with the US material, and that almost the entire production of the Japanese manufacturer was purchased and warehoused by the US exporter which subsequently sold the product both in the USA and for export to the Community.
- (18) The Commission therefore based normal value on US domestic prices.
- (19) Consequently there is no need to consider the offer made by the Japanese producer/exporter to supply new information on normal value on the Japanese market. The Japanese producer/exporter offered to provide this new information after the imposition of provisional duties. In any event, it should be noted that the verification of these data would require a further on spot investigation in Japan. The Commission considers, however, that such an approach would not be justified, especially in cases like the present, where the exporter was able to provide the information in a timely fashion, but decided not to do so.

- (20) The Council confirms the Commission's findings and conclusions in this regard.

II. Export price

- (21) Since all exports by the Japanese exporter were made through a related company in Switzerland, which sold the products to unrelated customers in the Community, export prices should be determined on the basis of a constructed export price in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88.
- (22) However, the Commission was not allowed by the Swiss authorities to carry out an on-the-spot investigation at the premises of the Swiss company. Furthermore, it was noted that already on the basis of the resale price by the Swiss company, before deducting all costs between importation and resale and profit, the dumping margin largely exceeded the level of the duty necessary to eliminate the injury. The Commission consequently based its calculation on those prices.

The Council confirms the Commission's findings.

III. Comparison

- (23) As set out in recital 28 of Regulation (EEC) No 3421/90, due allowance has been made in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88 with regard to both the export price and the normal value for the differences affecting price comparability. The allowances granted on this basis were set out in recital 29 of Regulation (EEC) No 3421/90 and are confirmed. All adjustments requested have been granted, irrespective of their justification, since they had no influence on the outcome of the case.

The Council confirms the Commission's findings on adjustments made for the purpose of a fair comparison between normal value and export price.

IV. Dumping margin

- (24) Normal value was compared with the export prices on a transaction-by-transaction basis. The examination of the facts shows the existence of dumping in respect of aspartame originating in Japan, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.
- (25) The weighted average margin of dumping amounts to ECU 47 per kilogram for aspartame originating in Japan.

The Council confirms the Commission's findings on the dumping margin.

D. INJURY

- (26) After the imposition of the provisional anti-dumping duties, the US and Japanese exporters repeated their allegations that the Community producer had not suffered any injury, since it had increased its market share and capacity utilization. However, no new arguments have been presented. Therefore the findings laid down in recitals 33 to 40 of Regulation (EEC) No 3421/90 with regard to injury are confirmed. In summary, to determine whether the Community industry concerned suffered material injury account has been taken of the following factors:

The Community producer began selling in 1988 and obtained a relatively small part of the Community market which is still largely held by the US and Japanese producers/exporters. This market penetration was countered by the American competitors by a dramatic price drop which resulted in considerable losses for the Community industry and prevented it from increasing its utilization of production capacity which would have allowed it to benefit from economies of scale. At the end of the investigation period the losses had reached a dimension which was directly threatening the viability of the industry.

- (27) On the basis of these factors it is determined that the Community industry suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88. The considerations laid down in recitals 43 and 44 of Regulation (EEC) No 3421/90 are confirmed.
- (28) The US producer/exporter repeated its arguments that the imports of US material were *de minimis* and could therefore not have caused injury to the Community producer. The US producer further argued that the Commission's method of cumulating the US and Japanese imports for the determination of injury was not justified, because it 'unduly embroiled' the US producer in an anti-dumping proceeding.

- (29) The Council, however, considers that the cumulation is justified, because the US and the Japanese products are totally interchangeable and because the majority of the imports into the Community are made through their jointly owned company in Switzerland (NSAG). The cumulation is also appropriate in view of the close relationship between the US and the Japanese producers/exporters. The imposition of anti-dumping duties only on imports of the Japanese material would not necessarily eliminate the injurious dumping practices, given that they could easily be continued with American material being imported through NSAG on the basis of a joint decision by the two producers/exporters.

The Council confirms the Commission's findings and conclusions.

E. CAUSATION

- (30) For the reasons set out in recitals 45 to 49 of Regulation (EEC) No 3421/90, it is considered that the dumped imports concerned caused the injury suffered by the Community industry. In fact, these sales took place at prices which did not cover costs and forced the Community producer to apply similarly low prices. No other factors were found which could have contributed to the injury.

- (31) The exporters argued that the drop in prices on the Community market was due to fierce competition from other artificial sweeteners. However, that competition already existed before the Community producer came on the market. At any rate, even if the competition from other sweeteners has caused certain downward adjustments of the prices, the price drop observed at the time the Community producer decided to enter the market, was much more substantial.

Moreover competition between aspartame and other artificial sweeteners exists, admittedly to a lesser degree, also in the USA, where prices remained relatively stable at a very high level.

- (32) In addition, it was argued that the difficulties of the Community industry were mainly due to a lack of efficiency of that industry. However, the Commission notes that efficiency largely depends on the scale of production. Had the Community producer been able to extend its production capacity as planned, it would have benefitted from economies of scale and would have become more competitive.
- (33) The Council agrees with the above and confirms the Commission's findings and conclusions as set out in recitals 45 to 49 of Regulation (EEC) No 3421/90.

F. COMMUNITY INTEREST

1. General considerations

- (34) The general considerations with regard to 'Community interest' (see recitals 51 to 54 of Regulation (EEC) No 3421/90) are confirmed.

II. Interest of the Community industry

- (35) Recital 55 of Regulation (EEC) No 3421/90 is confirmed by the Council in particular as regards the necessity to safeguard the viability of the

Community industry and to avoid the loss of several hundred jobs directly and indirectly related with the production of the Community industry.

III. Interest of other parties

- (36) With regard to interests of other parties it was indicated in recital 56 of Regulation (EEC) No 3421/90 that the Commission had received a number of submissions from end-users of aspartame in the Community which are mainly producers of low calorie soft drinks and other low calorie food products. The end-users claimed that a duty on the imports of aspartame would increase their costs, have the effect of removing competition and slow down the expected growth of the aspartame market.

In addition, it had been stated in recital 57 of Regulation (EEC) No 3421/90 that the Commission had not received any evidence substantiating the increase in costs for the end-users and the effect of possible increases on the prices of their products.

- (37) Since the imposition of the provisional anti-dumping duty, the Commission received more submissions from the user industry alleging that the anti-dumping duty would substantially increase the price of their final product. However, despite the fact that it was mentioned in Regulation (EEC) No 3421/90 that no evidence substantiating these allegations had been submitted, these companies did not submit any evidence at a subsequent stage.
- (38) In these circumstances the Commission's services had no other choice but to estimate, on the basis of the information available, what the impact of the definitive anti-dumping duty would be. It was found that the impact of the duty on the costs of the light soft drink producers, by far the largest consumers of aspartame in the Community, would be negligible. The same considerations apply to the consumers of light soft drinks.

- (39) Therefore, the Council confirms the considerations laid down in recitals 58 to 60 of Regulation (EEC) No 3421/90.

IV. Development of demand for aspartame

- (40) It has been argued that the imposition of an anti-dumping duty would lead to a considerable reduction in the demand for aspartame in the Community, i.e. substitution of aspartame by other artificial sweeteners. This argument is refuted for the following reasons:

- firstly, there is a growing health awareness in the Community with regard to the use of particular types of sweeteners,
 - secondly, the Commission has proposed to the Council a Directive on sweeteners for use in foodstuffs, according to which aspartame is considered the sweetener with the highest maximum level allowed per kilogram or litre of foodstuff,
 - thirdly, the imposition of anti-dumping duties will make aspartame in the Community more expensive but only to the extent required to eliminate the injury caused. This should only have a negligible effect on the prices paid by end consumers,
 - fourthly, the demand for aspartame in the Community largely exceeds the existing production capacity in the Community. There will consequently be a continued demand for aspartame, both imported and produced in the Community.
- (41) Furthermore it is considered that, even if the demand were in fact to decrease, this would not justify the continuation of injurious dumping.

The Council confirms the Commission's findings on Community interest.

G. CONCLUSIONS

- (42) Having considered the various arguments of the exporters, the Commission concludes that it is in the Community's general interest to re-establish a fair competitive situation and to eliminate the injurious effects of the dumped imports. The benefits of such protection clearly outweigh any short-term effects, particularly on price.

The Council confirms the Commission's conclusions in this respect.

H. DUTY

- (43) Provisional measures took the form of specific anti-dumping duties; these were imposed only at the level required to eliminate the injury although the dumping margins were much higher.

For definitive measures the Commission considers it appropriate to impose a duty in a similar specific form, the amounts being:

- ECU 27,21 per kilogram for aspartame originating in Japan,
- ECU 25,15 per kilogram for aspartame originating in the USA.

- (44) On the basis of the above findings the Commission concludes that definitive anti-dumping duties should be imposed. In order to determine the level of the duty necessary to eliminate the injury, the Commission applied the same method as already set out in recitals 65 to 67 to Regulation (EEC) No 3421/90. As regards the calculation of the cost of production of the Community industry, the Commission had to take account of the fact that some of the raw materials and services were purchased from a related company and that some costs did not relate to sales of aspartame in the Community. Actual research and development costs have now been included as well as direct selling costs. These adjustments lead to lower costs of production as a basis for the calculation of the reference price and thus the amount of the duty necessary to eliminate the injury.

- (45) For the assessment of a reasonable profit margin the following elements have been taken into account:

- the fact that the Community producer is just getting beyond its start-up period,
- the uncertainty about the evolution of the future sales, which might be as favourable as in the United States of America, but could also develop negatively,
- the possibility of the development of substitute products, which could shorten the life-cycle of the product concerned;

Under those circumstances a return on turnover of 8 % is considered reasonable and appropriate.

- (46) The producers/exporters argued that the Commission should not have established the reference price on the basis of the cost of production of the Community industry plus a reasonable profit margin, but on the basis of 'the price which would have been obtained in the Community in the absence of the dumped imports'. The Commission, however, notes that such a price would have been considerably higher than the price now established as the reference price, since dumping margins largely exceeded 100 %. Consequently, in the absence of the dumped imports, the Community industry would have been able to charge much higher prices than the actual reference price.

- (47) The Council confirms the Commission's findings and conclusions with regard to the level of the duty.

- (48) The Community producer requested the imposition of retroactive anti-dumping duties. However, it did not sufficiently substantiate its request. The Commission therefore did not examine whether the conditions for the imposition of anti-dumping duties with retroactive effect as laid down in Article 13 (4) of Regulation (EEC) No 2423/88 are fulfilled. The Council confirms the Commission's position in this respect.

I. UNDERTAKINGS

- (49) The producers/exporters offered price undertakings. After consultations these undertakings were not considered acceptable by the Commission. The Commission notified the producers/exporters of the reasons for this decision.

J. COLLECTION OF PROVISIONAL DUTIES

- (50) In view of the dumping margins established and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts collected by way of provisional anti-dumping duties should be definitively collected to

the extent of the amount of the duties definitively imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive antidumping duty of ECU 25,15 per kilogram (net weight) is hereby imposed on imports of aspartame falling within CN code ex 2924 29 90 (Taric code: 2924 29 90*50) originating in the United States of America.

2. A definitive anti-dumping duty of ECU 27,21 per kilogram (net weight) is hereby imposed on imports of aspartame falling within CN code ex 2924 29 90 (Taric code: 2924 29 90*50) originating in Japan.

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 3421/90 shall be definitively collected at the rates of duty definitively imposed. Amounts secured in excess of the rates of duty definitively imposed shall be released.

Article 3

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, 27 May 1991.

For the Council

The President

G. WOHLFART

COMMISSION REGULATION (EEC) No 1392/91

of 28 May 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 27 May 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 29 May 1991.

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

Done at Brussels, 28 May 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 28 May 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)	
CN code	Levy
0709 90 60	135,96 ⁽²⁾ ⁽³⁾
0712 90 19	135,96 ⁽²⁾ ⁽³⁾
1001 10 10	196,19 ⁽¹⁾ ⁽²⁾
1001 10 90	196,19 ⁽¹⁾ ⁽²⁾
1001 90 91	160,01
1001 90 99	160,01
1002 00 00	154,12 ⁽⁶⁾
1003 00 10	148,38
1003 00 90	148,38
1004 00 10	137,12
1004 00 90	137,12
1005 10 90	135,96 ⁽²⁾ ⁽³⁾
1005 90 00	135,96 ⁽²⁾ ⁽³⁾
1007 00 90	143,74 ⁽⁴⁾
1008 10 00	40,49
1008 20 00	135,22 ⁽⁴⁾
1008 30 00	50,15 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	50,15
1101 00 00	238,71 ⁽⁸⁾
1102 10 00	230,88 ⁽⁸⁾
1103 11 10	317,73 ⁽⁸⁾
1103 11 90	255,99 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1393/91

of 28 May 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 27 May 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 29 May 1991.

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

Done at Brussels, 28 May 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 28 May 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8
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

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1394/91**of 27 May 1991**

amending the list annexed to Regulation (EEC) No 3664/90 establishing, for 1991, the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds nine metres

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

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding eight metres length overall which are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres⁽³⁾, and in particular Article 2 thereof;

Whereas Commission Regulation (EEC) No 3664/90⁽⁴⁾ establishes for 1991 the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls of aggregate length exceeding nine metres;

Whereas the German and the Dutch authorities have requested that two vessels meeting the requirements laid

down in Article 1 (2) of Regulation (EEC) No 3554/90 be added to the list annexed to Regulation (EEC) No 3664/90; whereas the national authorities have provided all the information in support of the request required under Article 2 of Regulation (EEC) No 3554/90; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be added to the list;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3664/90 is amended as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 May 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 346, 11. 12. 1990, p. 11.

⁽⁴⁾ OJ No L 356, 19. 12. 1990, p. 6.

ANNEX

Following vessels are added to the list of Regulation (EEC) No 3664/90 :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY SC 28	Doggerbank	DIZL	Büsum	220
THE NETHERLANDS TH 35	Morgenster	PGAW	Tholen	221

COMMISSION REGULATION (EEC) No 1395/91

of 27 May 1991

amending the list annexed to Regulation (EEC) No 3664/90 establishing, for 1991, the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds nine metres

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding eight metres length overall which are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres⁽³⁾, and in particular Article 2 thereof;

Whereas Commission Regulation (EEC) No 3664/90⁽⁴⁾, as amended by Regulation (EEC) No 1394/91⁽⁵⁾, establishes for 1991 the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls of aggregate length exceeding nine metres;

Whereas the Danish authorities have requested replacement in the list annexed to Regulation (EEC) No 3664/90

of one vessel that no longer meets the requirements laid down in Article 1 (2) of Regulation (EEC) No 3554/90; whereas the national authorities have provided all the information in support of the request required under Article 2 of Regulation (EEC) No 3554/90; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be replaced in the list;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3664/90 is amended as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 May 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 346, 11. 12. 1990, p. 11.

⁽⁴⁾ OJ No L 356, 19. 12. 1990, p. 6.

⁽⁵⁾ See page 11 of this Official Journal.

ANNEX

The Annex to Regulation (EEC) No 3664/90 is amended as follows:

Vessel to be replaced:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
DENMARK HV 3	Lone	OZYP	Haderslev	170

Vessel replacing the abovementioned vessel:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
DENMARK HV 3	Vinnie Runge	OVIT	Esbjerg	165

COMMISSION REGULATION (EEC) No 1396/91

of 27 May 1991

amending the list annexed to Regulation (EEC) No 3664/90 establishing, for 1991, the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds nine metres

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding eight metres length overall which are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres⁽³⁾, and in particular Article 2 thereof;

Whereas Commission Regulation (EEC) No 3664/90⁽⁴⁾, as last amended by Regulation (EEC) No 1395/91⁽⁵⁾, establishes for 1991 the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls of aggregate length exceeding nine metres;

Whereas the German authorities have requested withdrawal from the list annexed to Regulation (EEC) No

3664/90 of one vessel that no longer meets the requirements laid down in Article 1 (2) of Regulation (EEC) No 3554/90; whereas the national authorities have provided all the information in support of the request required under Article 2 of Regulation (EEC) No 3554/90; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be withdrawn from the list;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3664/90 is amended as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 May 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 346, 11. 12. 1990, p. 11.

⁽⁴⁾ OJ No L 356, 19. 12. 1990, p. 6.

⁽⁵⁾ See page 13 of this Official Journal.

ANNEX

Following vessel is deleted from the list of Regulation (EEC) No 3664/90 :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY SC 54	Schwalbe	DJHS	Büsum	162

COMMISSION REGULATION (EEC) No 1397/91**of 27 May 1991****amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community⁽³⁾, as last amended by Regulation (EEC) No 1329/91⁽⁴⁾, and in particular Article 3 thereof;

Whereas the British authorities have requested replacement in the list annexed to Regulation (EEC) No 55/87 of seven vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all the information in

support of the request required under Article 3 of Regulation (EEC) No 55/87; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be replaced in the list;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 55/87 is amended as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 May 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 127, 23. 5. 1991, p. 17.

ANNEX

The Annex to Regulation (EEC) No 55/87 is amended as follows:

Vessels to be replaced:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
UNITED KINGDOM				
SM 49	Challenger	ECQE	Shoreham	203
BM 37	Tennetje	2EAR	Brixham	220
BM 25	Grey Flamingo	2SSN	Brixham	162
FY 499	Tamarisk	MAJC	Fowey	102
LT 263	Our Lass	MGSJ	Lowestoft	65
PH 411	Silverstream	MLRS	Plymouth	118
TH 12	Robert Barge	MLOT	Teignmouth	159

Vessels replacing the abovementioned vessels:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
UNITED KINGDOM				
NN 215	Seafalke	A1 9955	Newhaven	220
BM 28	Sealady	MMNL9	Brixham	219
FD 357	Susan Bird	2EDX	Fleetwood	220
PW 14	Hammah Christine	MNED4	Padstow	177
CT 266	Senex Fidelis	2UNK	Lowestoft	221
PH 330	Admiral Gorden	MKXW3	Plymouth	221
PH 440	Admiral Blake	MHRP6	Plymouth	221

COMMISSION REGULATION (EEC) No 1398/91

of 28 May 1991

amending Regulation (EEC) No 2169/86 laying down detailed rules for the control and payment of the production refunds in the cereals and rice sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 in the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EEC) No 3655/90 ⁽⁶⁾ and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 2169/86 ⁽⁷⁾ as last amended by Regulation (EEC) No 3056/90 ⁽⁸⁾, provides for the production refund to be fixed each month by taking account of the export refund for maize for the month in question, making a fixed deduction representing notably transport costs, and whereas this method of calculation can lead to a distortion in trade for starch manufactured from raw materials other than maize;

Whereas such distortions can be avoided by calculating the refund on the basis of the difference between the world price for maize, establishing by reference to cif prices, and the Community buying-in price or, in the cases of high market prices for maize and wheat, the intervention price for these products;

Whereas in order to avoid speculation at the time of amendment to institutional prices, it is necessary to pass on any price adjustments to refunds applied for during the preceding campaign;

Whereas it is also appropriate to introduce an element of flexibility into the time limits for fixing the production refund;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2169/86 is hereby amended as follows:

1. Paragraphs 1 and 2 of Article 2 are replaced by the following:

'1. The production refund shall be fixed once per month.

2. The production refund, per tonne of basic starch, shall be calculated on the basis of the difference between:

(i) the "buying-in price" for maize for the month in question, and

(ii) the average of the cif prices used for the calculation of the import levy for maize for the first 25 days of the month preceding the month of application,

multiplied by a coefficient of 1,60.

The "buying-in price" of maize referred to in (i) above shall be replaced by the intervention price for maize, when the average market price for maize and/or wheat in the Community is equal to or higher than the intervention price for such products.'

2. Paragraph 4 of Article 5 is replaced by the following:

'4. The rate of production refund payable to be stated on the certificate shall be that applicable on the date of receipt of the application.

However, where any of the quantity quoted on the certificate is processed in the cereals marketing year following the one in which the certificate was granted, the production refund payable for that starch which is processed in the new marketing year shall be adjusted according to the difference between the intervention price for maize used for the calculation of the production refund payable, as defined in Article 2 (2), and that applicable in the month of processing, multiplied by a coefficient of 1,60.'

Article 2

This Regulation shall enter into force on 1 June 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 3.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁶⁾ OJ No L 362, 27. 12. 1990, p. 33.

⁽⁷⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁸⁾ OJ No L 294, 25. 10. 1990, p. 13.

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

Done at Brussels, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1399/91
of 28 May 1991
correcting Regulation (EEC) No 1368/91 fixing the import levies on live cattle
and on beef and veal other than frozen

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Regulation (EEC) No 1368/91 ⁽³⁾;

Whereas a check has shown that an error was made in the Annex to that Regulation, whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1368/91 is hereby replaced by the Annex to this Regulation.

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 27 May 1991.

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

Done at Brussels, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 130, 25. 5. 1991, p. 33.

ANNEX

to the Commission Regulation of 28 May 1991 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	24,432	(¹) 124,192
0102 90 31	21,788	24,432	(¹) 124,192
0102 90 33	—	24,432	(¹) 124,192
0102 90 35	21,788	24,432	(¹) 124,192
0102 90 37	21,788	24,432	(¹) 124,192
— Net weight —			
0201 10 10	—	46,422	(¹) 235,964
0201 10 90	41,397	46,422	(¹) 235,964
0201 20 21	—	46,422	(¹) 235,964
0201 20 29	41,397	46,422	(¹) 235,964
0201 20 31	—	37,138	(¹) 188,771
0201 20 39	33,118	37,138	(¹) 188,771
0201 20 51	49,677	55,706	(¹) 283,157
0201 20 59	49,677	55,706	(¹) 283,157
0201 20 90	—	69,632	(¹) 353,946
0201 30 00	—	79,650	(¹) 404,864
0206 10 95	—	79,650	(¹) 404,864
0210 20 10	—	69,632	353,946
0210 20 90	—	79,650	404,864
0210 90 41	—	79,650	404,864
0210 90 90	—	79,650	404,864
1602 50 10	—	79,650	404,864
1602 90 61	—	79,650	404,864

(¹) In accordance with amended Regulation (EEC) No 715/90, 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.

(²) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 1400/91

of 28 May 1991

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁹⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽¹⁰⁾, as last amended by Regulation (EEC) No 523/91⁽¹¹⁾;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽¹²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹⁰⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹¹⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽¹²⁾ OJ No L 370, 31. 12. 1990.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3842/90⁽²⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽³⁾, as amended by Regulation (EEC) No 222/88⁽⁴⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1991.

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

Done at Brussels, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽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 28 May 1991 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT)(*)
0714 10 10 (*)	143,74	150,39
0714 10 91	147,37 (*) (*)	147,37
0714 10 99	145,56	150,39
0714 90 11	147,37 (*) (*)	147,37
0714 90 19	145,56 (*)	150,39
1102 20 10	243,32	249,36
1102 20 90	137,88	140,90
1102 30 00	155,50	158,52
1102 90 10	265,27	271,31
1102 90 30	248,35	254,39
1102 90 90	144,54	147,56
1103 12 00	248,35	254,39
1103 13 11	243,32	249,36
1103 13 19	243,32	249,36
1103 13 90	137,88	140,90
1103 14 00	155,50	158,52
1103 19 10	276,73	282,77
1103 19 30	265,27	271,31
1103 19 90	144,54	147,56
1103 21 00	287,59	293,63
1103 29 10	276,73	282,77
1103 29 20	265,27	271,31
1103 29 30	248,35	254,39
1103 29 40	243,32	249,36
1103 29 50	155,50	158,52
1103 29 90	144,54	147,56
1104 11 10	150,32	153,34
1104 11 90	294,74	300,78
1104 12 10	140,73	143,75
1104 12 90	275,94	281,98
1104 19 10	287,59	293,63
1104 19 30	276,73	282,77
1104 19 50	243,32	249,36
1104 19 91	264,06	270,10
1104 19 99	255,08	261,12
1104 21 10	235,79	238,81
1104 21 30	235,79	238,81
1104 21 50	368,43	374,47
1104 21 90	150,32	153,34
1104 22 10 10 (*)	140,73	143,75
1104 22 10 90 (*)	248,35	251,37
1104 22 30	248,35	251,37
1104 22 50	220,75	223,77
1104 22 90	140,73	143,75
1104 23 10	216,29	219,31
1104 23 30	216,29	219,31

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
1104 23 90	137,88	140,90
1104 29 11	212,49	215,51
1104 29 15	204,47	207,49
1104 29 19	226,74	229,76
1104 29 31	255,63	258,65
1104 29 35	245,98	249,00
1104 29 39	226,74	229,76
1104 29 91	162,97	165,99
1104 29 95	156,81	159,83
1104 29 99	144,54	147,56
1104 30 10	119,83	125,87
1104 30 90	101,39	107,43
1106 20 10	143,74 (*)	150,39
1106 20 91	214,01 (*)	238,19
1106 20 99	214,01 (*)	238,19
1107 10 11	284,39	295,27
1107 10 19	212,49	223,37
1107 10 91	262,32	273,20 (*)
1107 10 99	196,00	206,88
1107 20 00	228,42	239,30 (*)
1108 11 00	351,49	372,04
1108 12 00	217,64	238,19
1108 13 00	217,64	238,19 (*)
1108 14 00	108,82	238,19
1108 19 10	222,98	253,81
1108 19 90	108,82 (*)	238,19
1109 00 00	639,08	820,42
1702 30 51	283,88	380,60
1702 30 59	217,64	284,13
1702 30 91	283,88	380,60
1702 30 99	217,64	284,13
1702 40 90	217,64	284,13
1702 90 50	217,64	284,13
1702 90 75	297,40	394,12
1702 90 79	206,83	273,32
2106 90 55	217,64	284,13
2302 10 10	61,92	67,92
2302 10 90	132,70	138,70
2302 20 10	61,92	67,92
2302 20 90	132,70	138,70
2302 30 10	61,92	67,92
2302 30 90	132,70	138,70
2302 40 10	61,92	67,92
2302 40 90	132,70	138,70
2303 10 11	270,36	451,70

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (⁴) Taric code: clipped oats.
- (⁵) Taric code: CN code 1104 22 10, other than 'clipped oats'.
- (⁶) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (⁷) 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.
- (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 1401/91

of 28 May 1991

fixing the import levies on compound feedingstuffs

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 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals

must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁶⁾, as last amended by Regulation (EEC) No 523/91⁽⁷⁾;

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 Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 May 1991 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies	
	ACP and OCT	Third countries (other than ACP and OCT) ⁽¹⁾
2309 10 11	21,63	32,51
2309 10 13	636,13	647,01
2309 10 31	67,59	78,47
2309 10 33	682,09	692,97
2309 10 51	135,18	146,06
2309 10 53	749,68	760,56
2309 90 31	21,63	32,51
2309 90 33	636,13	647,01
2309 90 41	67,59	78,47
2309 90 43	682,09	692,97
2309 90 51	135,18	146,06
2309 90 53	749,68	760,56

⁽¹⁾ 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 1402/91**of 28 May 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⁾, as
amended by Regulation (EEC) No 1047/91 ⁽⁴⁾;

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 3 June 1991.

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

Done at Brussels, 28 May 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.

⁽⁴⁾ OJ No L 106, 26. 4. 1991, p. 42.

ANNEX

to the Commission Regulation of 28 May 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 22 from 3 to 9 June 1991	Week No 23 from 10 to 16 June 1991	Week No 24 from 17 to 23 June 1991	Week No 25 from 24 to 30 June 1991
0104 10 90 ⁽¹⁾	95,626	90,165	84,807	79,397
0104 20 90 ⁽¹⁾	95,626	90,165	84,807	79,397
0204 10 00 ⁽²⁾	203,460	191,840	180,440	168,930
0204 21 00 ⁽²⁾	203,460	191,840	180,440	168,930
0204 22 10 ⁽²⁾	142,422	134,288	126,308	118,251
0204 22 30 ⁽²⁾	223,806	211,024	198,484	185,823
0204 22 50 ⁽²⁾	264,498	249,392	234,572	219,609
0204 22 90 ⁽²⁾	264,498	249,392	234,572	219,609
0204 23 00 ⁽²⁾	370,297	349,149	328,401	307,453
0204 50 11 ⁽²⁾	203,460	191,840	180,440	168,930
0204 50 13 ⁽²⁾	142,422	134,288	126,308	118,251
0204 50 15 ⁽²⁾	223,806	211,024	198,484	185,823
0204 50 19 ⁽²⁾	264,498	249,392	234,572	219,609
0204 50 31 ⁽²⁾	264,498	249,392	234,572	219,609
0204 50 39 ⁽²⁾	370,297	349,149	328,401	307,453
0210 90 11 ⁽³⁾	264,498	249,392	234,572	219,609
0210 90 19 ⁽³⁾	370,297	349,149	328,401	307,453

⁽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 1403/91
of 28 May 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⁾, as amended by Regulation (EEC) No 1048/91⁽⁴⁾;

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 3 June 1991.

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

Done at Brussels, 28 May 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.

⁽⁴⁾ OJ No L 106, 26. 4. 1991, p. 44.

ANNEX

to the Commission Regulation of 28 May 1991 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾

(ECU/100 kg)

CN code	Week No 22 from 3 to 9 June 1991	Week No 23 from 10 to 16 June 1991	Week No 24 from 17 to 23 June 1991	Week No 25 from 24 to 30 June 1991
0204 30 00	194,095	185,380	176,830	168,198
0204 41 00	194,095	185,380	176,830	168,198
0204 42 10	135,867	129,766	123,781	117,739
0204 42 30	213,505	203,918	194,513	185,018
0204 42 50	252,324	240,994	229,879	218,657
0204 42 90	252,324	240,994	229,879	218,657
0204 43 00	353,253	337,392	321,831	306,120
0204 50 51	194,095	185,380	176,830	168,198
0204 50 53	135,867	129,766	123,781	117,739
0204 50 55	213,505	203,918	194,513	185,018
0204 50 59	252,324	240,994	229,879	218,657
0204 50 71	252,324	240,994	229,879	218,657
0204 50 79	353,253	337,392	321,831	306,120

⁽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 1404/91

of 28 May 1991

abolishing the corrective amount on the import of artichokes into the
Community of Ten from Spain (except the Canary Islands)

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain (except the Canary Islands) for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism and Commission Regulation (EEC) No 3815/89⁽²⁾ lays down detailed rules for applying the said compensatory mechanism;Whereas Commission Regulation (EEC) No 1308/91⁽³⁾ introduces a corrective amount on imports of artichokes into the Community of Ten from Spain (except the Canary Islands);

Whereas Article 3 (4) of Regulation (EEC) No 3709/89 lays down the conditions under which a corrective amount introduced pursuant to Article 3 (1) of the said Regulation is to be abolished; whereas the said conditions require abolition of the corrective amount on imports of artichokes into the Community of Ten from Spain (except the Canary Islands),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1308/91 is hereby repealed.

Article 2

This Regulation shall enter into force on 29 May 1991.

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

Done at Brussels, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.⁽³⁾ OJ No L 123, 18. 5. 1991, p. 33.

COMMISSION REGULATION (EEC) No 1405/91

of 28 May 1991

adjusting the corrective amount on the import of cabbage lettuces into the Community of Ten from Spain (except the Canary Islands)

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain (except the Canary Islands) for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism and Commission Regulation (EEC) No 3815/89 ⁽²⁾ lays down detailed rules for applying the said compensatory mechanism;Whereas Commission Regulation (EEC) No 1389/91 ⁽³⁾, introduces a corrective amount on imports of aubergines into the Community of Ten from Spain (except the Canary Islands);

Whereas the data required for calculation of the corrective amount, as communicated to the Commission, led to fixing such an amount; whereas a subsequent communication showed those data to be incomplete; whereas a calculation carried out on the basis of the new data communicated to the Commission require that the corrective amount on imports of cabbage lettuces from Spain (except the Canary Islands) into the Community of Ten be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1389/91 'ECU 7,32' is replaced by 'ECU 3,07'.

Article 2

This Regulation shall enter into force on 29 May 1991.

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

Done at Brussels, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.⁽³⁾ OJ No L 133, 28. 5. 1991, p. 32.

COMMISSION REGULATION (EEC) No 1406/91

of 28 May 1991

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 1

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 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⁾,

Having regard to Commission Regulation (EEC) No
1633/84 of 8 June 1984 laying down detailed rules for
applying the variable slaughter premium for sheep and
repealing Regulation (EEC) No 2661/80 ⁽³⁾, as last
amended by Regulation (EEC) No 1075/89 ⁽⁴⁾, and in
particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 22 (2) of Regulation (EEC) No
3013/89 whereas it is necessary therefore for the Commis-
sion to fix, for the week beginning 6 May 1991, the level
of the premium and the amount to be charged on
products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84
stipulates that the level of the variable slaughter premium
is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84
lays down that the amount to be charged on products
leaving region 1 shall be fixed weekly by the Commis-
sion;

Whereas in the Annex to Commission Regulation (EEC)
No 3618/89 of 1 December 1989 on the application of
the guarantee limitation arrangements for sheepmeat and
goatmeat ⁽⁵⁾ the weekly amounts of the guide level are set
out pursuant to Article 25 of Regulation (EEC) No
3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and
(3) of Regulation (EEC) No 3013/89, for the week begin-
ning 6 May 1991, the variable slaughter premium for
sheep certified as eligible in the United Kingdom is to be
in accordance with the amounts fixed in the Annexes
hereto; whereas, for that week, in the light of the Judg-
ment of the Court of Justice of 2 February 1988 in Case
61/86, the provisions of Article 9 (5) of Regulation (EEC)
No 3013/89 and of Article 4 of Regulation (EEC) No
1633/84 lead to the amounts to be charged on products,
leaving region 1, being fixed in accordance with those
Annexes;

Whereas, as regards the controls necessary for the appli-
cation of the provisions relating to the said amounts, the
system of controls provided for by Regulation (EEC) No
1633/84 should be maintained without prejudice to the
preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 1, within the meaning of Article 22
(2) of Regulation (EEC) No 3013/89, for the variable
slaughter premium during the week beginning 6 May
1991, the level of the premium is fixed at ECU 53,446 per
100 kilograms of estimated or actual dressed carcass
weight within the limits laid down by Article 1 (1) (b) of
Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 3013/89 which left the territory of region 1
during the week beginning 6 May 1991, the amounts to
be charged shall be equivalent to those fixed in the
Annexes hereto.

Article 3

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

It shall apply with effect from 6 May 1991.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 May 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	25,120	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	53,446	0
0204 21 00	53,446	0
0204 50 11		0
0204 22 10	37,412	
0204 22 30	58,791	
0204 22 50	69,480	
0204 22 90	69,480	
0204 23 00	97,272	
0204 30 00	40,085	
0204 41 00	40,085	
0204 42 10	28,060	
0204 42 30	44,094	
0204 42 50	52,111	
0204 42 90	52,111	
0204 43 00	72,955	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	69,480	
0210 90 19	97,272	
1602 90 71 :		
— unboned (bone-in)	69,480	
— boned or boneless	97,272	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 1407/91

of 28 May 1991

laying down the detailed rules for the free supply of beef to the Soviet Union as provided for in Council Regulation (EEC) No 598/91 on urgent action for the supply of agricultural and medical products intended for the people of the Soviet Union and amending Regulation (EEC) No 569/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 598/91 of 5 March 1991 on urgent action for the supply of agricultural and medical products intended for the people of the Soviet Union⁽¹⁾, and in particular Article 5 (2) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rate to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 2 (4) thereof,

Whereas Regulation (EEC) No 598/91 provides for an emergency measure for the free supply of agricultural products to the Soviet Union; whereas the delivery costs of these goods are to be paid by the European Community; whereas, with a view to implementing that emergency measure, detailed rules of application should be laid down for the beef sector;

Whereas in view of the size and location of the Community intervention stocks of beef it is appropriate to release a total of 5 000 tonnes of forequarters and hindquarters stored in Germany for the purpose of the emergency measure referred to above;

Whereas, in order to ensure that the meat reaches its destination at the lowest possible cost, an invitation to tender should be opened; whereas, in the light of the urgency of the operation, it should be provided that the meat is delivered in the Soviet Union before 5 July 1991;

Whereas appropriate arrangements governing the lodging of securities and contracts should ensure the proper execution of the delivery operation;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88⁽⁴⁾, as last

amended by Regulation (EEC) No 1187/91⁽⁵⁾; whereas the Annex to the said Regulation setting out the entries to be made should be expanded; whereas, furthermore, proof that the beef concerned has been taken over by the Soviet Government shall be provided by way of a special certificate;

Whereas the conversion rate to be used for the delivery costs referred to in Article 2 (2) (e) as well as for the securities referred to in Article 2 (2) (c) and in Article 4 (2) must be determined; whereas, with a view to an approach which is more balanced and more in line with the economic facts determining such costs, the exchange rates published in the Annex to Commission Regulation (EEC) No 1281/91 of 16 May 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⁽⁶⁾ should be applied;

Whereas, according to the non-commercial character of this delivery operation no export refund and no monetary compensatory amounts should be paid on the exported meat;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee foreseen in Article 5 (2) of Regulation (EEC) No 598/91,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is opened for fixing the delivery costs of 2 500 tonnes of forequarters and 2 500 tonnes of hindquarters taken over before 1 May 1991 by the German intervention agency and held in the cold stores mentioned in Annex I.

2. The meat shall be delivered in Moscow. In accordance with Regulations (EEC) No 569/88, and the provisions of this Regulation.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁵⁾ OJ No L 115, 8. 5. 1991, p. 21.

⁽⁶⁾ OJ No L 125, 20. 5. 1991, p. 49.

Article 2

1. Tenders shall arrive in writing at the German intervention agency, the address of which is given in Annex II, before 12 noon on 31 May 1991. Tenders submitted on or before that date shall be considered as having been submitted simultaneously.

2. In order to be deemed valid for consideration the tender must:

- (a) specify the name and address of the tenderer;
- (b) relate to the total quantity referred to in Article 1 (1);
- (c) be supported by a security of ECU 100 per tonne in favour of the intervention agency;
- (d) be accompanied by a written commitment from the tenderer to deliver before 5 July 1991 to the Soviet cold store referred to in Article 1 (2) all the meat in the same state as taken over from the intervention cold store;
- (e) specify the amount in ecus required for delivering the meat from loading bay of the Community stores to the Soviet cold store concerned, delivered at the unloading bay of that cold store. Except in cases of *force majeure* the successful tenderer shall bear all risk related to the transport and delivery of the meat, in particular in respect of loss and deterioration of the products.

The amount in ecus referred to in subparagraph (e) shall include any veterinary charges directly related to the destocking operations as well as the handling costs for loading the transport means concerned.

3. By way of derogation from Article 2 of Regulation (EEC) No 1676/85 the ecu amounts referred to in paragraph 2 as well as in Article 4 (2) shall be converted into national currencies by applying the conversion rates published in the Annex to Regulation (EEC) No 1281/91.

Article 3

1. The German intervention agency shall forward to the Commission by telex, not later than 24 hours after the expiry of the deadline fixed for the submission of tenders, all the tenders which meet the requirements laid down in Article 2.

2. On the basis of the tenders forwarded, the Commission may decide

- to make no award, or
- to fix a maximum amount for the delivery costs.

3. Where a maximum amount is fixed for delivery costs, only the tender specifying the lowest amount under

Article 2 (2) (e) shall be accepted. Where several tenders specify the same lowest amount, lots shall be drawn in order to determine the tender to be accepted.

4. As soon as possible after the adoption of the Decision, pursuant to paragraphs 2 and 3, the intervention agency shall inform all tenderers by written telecommunication of the outcome of their participation in the tendering procedure and shall notify the successful tenderer of the award to him of the contract to deliver the meat.

Article 4

1. The security specified in Article 2 (2) (c) shall be released forthwith, if the tender is not accepted. The primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽¹⁾ shall be:

- (a) a requirement not to withdraw the tender;
- (b) lodging of the delivery security referred to in paragraph 2 for the quantity provided in Article 1 (1) of this Regulation by the stipulated time limit;
- (c) taking over of the quantity for which the security under (b) has been lodged.

2. Before the meat is taken over the successful tenderer shall lodge with the German intervention agency and in respect of each quantity which he takes over, a security of an amount equal to ECU 3 000 per tonne.

The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the delivery of all the meat as specified in paragraph 5.

3. The successful tenderer shall take delivery of the goods in accordance with intervention agency rules for release from storage.

4. The security specified in paragraph 2 shall be released and the amount specified in Article 2 (2) (e) shall be paid to the successful tenderer on presentation of proof that all the meat referred to in Article 1 (1) has been delivered according to this Regulation at the Soviet cold store mentioned in Article 1 (2) before 5 July 1991 in the same state as taken over from the intervention cold store.

5. The transport document together with the taking over certificate given in Annex III duly filled in, stamped and signed by a person representing 'central Commission' ⁽²⁾, shall constitute the proof referred to in paragraph 4. The proof must be presented to the German intervention agency not later than 2 August 1991.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ Central Commission for the Organization of the Implementation of Foreign Humanitarian Aid. The Kremlin, Moscow, USSR.

Article 5

Neither export refunds nor monetary compensatory amounts are applicable on meat delivered under this Regulation. The removal order referred to in Article 3 of Regulation (EEC) No 569/88 and the export declaration shall bear the following additional words:

'Emergency action for the Soviet Union. Products on which no refunds or monetary compensatory amounts shall be paid (Regulation (EEC) No 1407/91'.

Article 6

In part I of the Annex to Regulation (EEC) No 569/88 'Products to be exported in the same state as that in

which they were removed from intervention stock', the following item and footnote are added:

'89. Commission Regulation (EEC) No 1407/91 of 28 May 1991 laying down certain detailed rules for the free supply of beef to the Soviet Union as provided in Council Regulation (EEC) No 598/91 ⁽⁸⁹⁾.

⁽⁸⁹⁾ OJ No L 134, 29. 5. 1991, p. 39.'

Article 7

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, 28 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Lista de las partidas de carne de vacuno almacenadas en los depósitos indicados a continuación

Fortegnelse over partier af frosset oksekød, der er oplagret følgende steder

Aufstellung der Partien von Rindfleisch, die in den nachfolgenden Kühlhäusern lagern

Πίνακας παρτίδων βοείου κρέατος υποκειμένου στους ακόλουθους χώρους

List of lots of frozen beef stored in the following warehouses

Liste des lots de viande bovine stockée dans les entrepôts suivants

Elenco delle partite di carni bovine immagazzinate nei seguenti depositi

Lijst van de partijen rundvlees in de onderstaande vrieshuizen

Lista dos lotes de carne de bovino armazenada nos entrepostos seguintes

Nombre y dirección del depósito Oplagringsstedets navn og adresse Name und Anschrift des Kühlhauses Όνομα και διεύθυνση του αποθηκευτικού χώρου Name and address of storage place Nom et adresse de l'entrepôt Nome e indirizzo del deposito Plaats en naam van opslag Nome e endereço do entreposto	Cuartos traseros (toneladas) Bagfjerdinger (tons) Hinterviertel (Tonnen) Οπίσθια τέταρτα (τόνοι) Hindquarters (tonnes) Quartiers arrière (tonnes) Quarti posteriori (tonnellate) Achtervoeten (ton) Quartos traseiros (toneladas)	Cuartos delanteros (toneladas) Forfjerdinger (tons) Vorderviertel (Tonnen) Εμπρόσθια τέταρτα (τόνοι) Forequarters (tonnes) Quartiers avant (tonnes) Quarti anteriori (tonnellate) Voorvoeten (ton) Quartos dianteiros (toneladas)
(1)	(2)	(3)
Füssen	15,6	
Gangkofen	178,2	
Valley	204,4	
Ruderting	447,5	
Simbach	144,8	
Kl. Ostheim	160,4	
Gochsheim	165,1	
Bamberg	307,7	
Moosburg	186,2	
Dorfen	184,3	
Linde, Nbg.	114,1	
MTK, Joh. Kirchstr.	103,7	
Plattling	288,0	
Dissen		108,0
Münsingen		37,1
Remseck		33,2
Markgröningen		175,5
MuK, Mannheim		87,2
Kirchheim		705,2
Wörnitz		382,3
Ansbach		178,0
Memmingen		793,5
	2 500,0	2 500,0

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

Dirección del organismo de intervención — Interventionsorganets adresse — Anschrift der
Interventionsstelle — Διευθύνσεις των οργανισμών παρεμβάσεως — Address of the intervention
agency — Adresse de l'organisme d'intervention — Indirizzo dell'organismo d'intervento —
Adres van het interventiebureau — Endereço do organismo de intervenção

DEUTSCHLAND: Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (069) 1 56 4 App. 772/773
Telex: 411156

*ANNEX III***TAKING-OVER CERTIFICATE**

I, the undersigned :

(surname, first name, business name)

acting for 'Central Commission' on behalf of the Soviet Government, hereby certify that the goods listed below, having been delivered under Commission Regulation (EEC) No 1407/91, have been taken over :

— Place and date of take-over :

.....

— Type of product :

.....

— Tonnage, weight taken over (gross) :

.....

— Packaging :

.....

— Number of quarters :

.....

Observations :

.....

.....

.....

.....

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 May 1991

amending Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat and Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine and fresh meat or meat products from third countries

(91/266/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Directive 72/461/EEC ⁽⁴⁾, as last amended by Directive 89/662/EEC ⁽⁵⁾, lays down the health requirements which must be fulfilled by animals from which fresh meat is obtained for intra-Community trade; whereas Directive 72/462/EEC ⁽⁶⁾, as last amended by Directive 91/69/EEC ⁽⁷⁾, lays down health and veterinary inspection requirements applicable to imports of bovine, ovine and caprine animals and swine and fresh meat or meat products from third countries;

Whereas glands and organs, including blood, are within the scope of the abovementioned Directives; whereas they are required in large quantity by the pharmaceutical

manufacturing industries of the Member States to ensure the availability of extracts and enzymes for human and veterinary medicine;

Whereas this means that Member States should be afforded the possibility of authorizing on a more liberal basis the importation from third countries of glands and organs, including blood, for pharmaceutical manufacturing purposes; whereas, with a view to ensuring the proper and specific use of such raw materials, authorization should be granted only when certain conditions, to be determined in accordance with a Community procedure, are fulfilled;

Whereas, in order to maintain Community preference, the same facilities should be applied in intra-Community trade in glands and organs, including blood, for pharmaceutical manufacturing purposes under certain minimum conditions which ensure the proper and specific use of such raw materials;

Whereas by its Judgment of 16 November 1989 in Case 131/87 the Court of Justice declared void Directive 87/64/EEC ⁽⁸⁾ which covered the aforementioned matters; whereas it is therefore necessary to adopt a new Directive on the appropriate legal basis;

Whereas, given this situation, the deadline for transposition laid down by Directive 87/64/EEC may be maintained,

⁽¹⁾ OJ No C 154, 23. 6. 1990, p. 4.

⁽²⁾ OJ No C 129, 20. 5. 1991.

⁽³⁾ OJ No C 332, 31. 12. 1990, p. 27.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁵⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽⁶⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁷⁾ OJ No L 46, 19. 2. 1991, p. 37.

⁽⁸⁾ OJ No L 34, 5. 2. 1987, p. 52.

HAS ADOPTED THIS DIRECTIVE :

Article 1

The following paragraph shall be added to Article 3 of Directive 72/461/EEC :

'(d) However, until 31 December 1996, in their compliance with (a), (b) and (c), but by way of derogation from Article 8a, the Member States may, subject to an authorization granted by their veterinary authorities, authorize the introduction in their territory of glands and organs, including blood, as raw materials for the pharmaceutical processing industry.

Such authorization shall, moreover, be subject to compliance with the provisions concerning the identity of the materials in question, their packaging, transportation, storage, handling and processing and with those concerning the disposal of packaging, wrapping and residual matter following processing so that all public and animal health risks are eliminated.'

Article 2

The present text of Article 16 of Directive 72/462/EEC shall become paragraph 1 and the following paragraph shall be added :

'2. However, Member States may, until 31 December 1996, authorize imports of glands and organs, including blood, as raw materials for the pharmaceutical processing industry, from third countries which appear on the list drawn up under Article 3 (1) and are not the subject of a ban.

The general conditions to be complied with for the said imports shall be laid down in accordance with the procedure provided for in Article 30.

In accordance with the procedure provided for in Article 29, Member States may be authorized to import the said raw materials from third countries which do not appear on the list referred to in the first subparagraph under conditions which take account of the specific health situation of the third countries concerned.

The conditions relating to the said imports, established in accordance with the procedures referred to in the second and third subparagraphs, must in no case be more favourable than those governing intra-Community trade.

Article 3

The Council, on the basis of a report by the Commission — together with any appropriate proposals — with re-examine, before 1 July 1995, the derogations provided for in Article 3 (d) of Directive 72/461/EEC and in Article 16 (2) of Directive 72/462/EEC.

Article 4

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1988. They shall forthwith inform the Commission thereof.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 21 May 1991.

For the Council

The President

R. STEICHEN

COMMISSION

DECISION No 4/91 OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE

of 23 April 1991

derogating from the definition of the concept of 'originating products' to take account of the special situation of Fiji with regard to its production of certain garments

(91/267/EEC)

THE ACP-EEC CUSTOMS COOPERATION COMMITTEE,

Having regard to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989,

Having regard to Decision No 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on the transitional measures to be applied from 1 March 1990 ⁽¹⁾, and in particular Article 2 (1) thereof,

Whereas Article 31 of Protocol No 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation makes provision for derogations to be made from the said Protocol by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas the ACP States have submitted a request from the Government of Fiji for a derogation from the definition set out in Protocol No 1 in respect of certain garments;

Whereas the requested derogation is justified under the relevant provisions of Protocol No 1 and it cannot cause serious injury to an established Community industry, provided that certain conditions relating to quantities, surveillance or duration are respected,

HAS DECIDED AS FOLLOWS:

Article 1

Notwithstanding the special provisions of Annex II to Protocol No 1, the products listed in the Annex to this Decision manufactured in Fiji shall be considered as

originating in the ACP States subject to the following conditions.

Article 2

The derogation provided for in Article 1 shall relate to products exported from Fiji to the Community between 1 July 1990 and 31 December 1993.

Article 3

The competent authorities of Fiji shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued pursuant to this Decision.

Article 4

The ACP-States, the Community and the Member States shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 23 April 1991.

For the ACP-EEC Customs
Cooperation Committee

The Chairmen

P. WILMOTT

Ernest S. MPOFU

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 2.

ANNEX

Item	Product	HS code	Textile category	Annual quantity (pieces)	
				1. 7. to 31. 12. 1990	1991 to 1993
a	Men's or boys' overcoats, anoraks, wind-cheaters, wind-jackets and similar articles other than those of heading No 6203, of wool, of cotton, of man-made fibres or of other textile materials	6201.11 6201.12 6201.13 6201.19	ex 14 ex 14 + 21 ex 14 + 21 ex 161		61 000
b	man's or boy's suits, of wool, of synthetic fibres or of other textile materials	6203.11 6203.12 6203.19	ex 16		15 000
c	men's or boy's jackets, of wool of cotton, of synthetic fibres or of other textile materials	6203.31 6203.32 6203.33 6203.39	ex 17		30 000
d	men's or boy's and women's or girls' trousers and shorts, of wool, of cotton, of synthetic fibres or of other textile materials	6203.41 6203.42 6203.43 6203.49 6204.61 6204.62 6204.63 6204.69	ex 6	58 065	750 000
e	women's or girls' jackets, of wool, of cotton, of synthetic fibres or of other textile materials	6204.31 6204.32 6204.33 6204.39	ex 15		10 000
f	men's or boys' shirts, of cotton of man-made fibres or of other textile materials	6205.20 6205.30 6205.90	} ex 8 ex 161		50 000
g	women's or girls' blouses, of silk, of wool, of cotton, of man-made fibres or of other textile materials	6206.10 6206.20 6206.30 6206.40 6206.90	ex 159 } ex 7 ex 161		40 000

COMMISSION DECISION

of 26 April 1991

amending certain Commission Decisions concerning agricultural statistics in connection with the unification of Germany

(91/268/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 571/88 of 29 February 1988 on the organization of Community surveys on the structure of agricultural holdings between 1988 and 1997 ⁽¹⁾, as amended by Regulation (EEC) No 807/89 ⁽²⁾, and in particular Article 8 (1) thereof,

Whereas the regional breakdown of agricultural statistics must be brought into line with the new administrative structure in Germany;

Whereas the standard gross margins to be calculated in accordance with Commission Decision 85/377/EEC of 7 June 1985 establishing a Community typology for agricultural holdings ⁽³⁾ are not available for the territory of the former German Democratic Republic and, consequently, it is not yet possible to calculate the type of farming for holdings on that territory;

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

HAS ADOPTED THIS DECISION:

Article 1

The following subparagraph is hereby added to Article 4 of Commission Decision 76/805/EEC ⁽⁴⁾:

'Notwithstanding the first indent, Germany is authorized to delay transmission of the monthly statistics on the territory of the former German Democratic Republic until 10 weeks after the reference month at the latest.'

Article 2

The list of regions and districts in Annex I, A. A/01 I. Germany to Commission Decision 89/651/EEC ⁽⁵⁾ is hereby amended as follows:

- The region '012. Hamburg, Bremen und Berlin (West)' becomes '017. Hamburg, Bremen und Berlin' and the district '001. Hamburg, Bremen und Berlin (West)' becomes '001. Hamburg, Bremen und Berlin',
- The following regions and districts are inserted:

Regions

- 012. Brandenburg
- 013. Mecklenburg-Vorpommern
- 014. Sachsen
- 015. Sachsen-Anhalt
- 016. Thüringen

Districts

- 001. Brandenburg
- 001. Mecklenburg-Vorpommern
- 001. Sachsen
- 001. Sachsen-Anhalt
- 001. Thüringen

⁽¹⁾ OJ No L 56, 2. 3. 1988, p. 1.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 1.

⁽³⁾ OJ No L 220, 17. 8. 1985, p. 1.

⁽⁴⁾ OJ No L 285, 16. 10. 1976, p. 31.

⁽⁵⁾ OJ No L 391, 30. 12. 1989, p. 1.

Article 3

The following paragraph is hereby added to Article 2 of Commission Decision 89/652/EEC⁽¹⁾:

'3. However, in the case of the results of the 1991 basic survey, Germany is not required to draw up the results at the level of the less-favoured areas or broken down by economic size classes or by type of farming for holdings on the territory of the former German Democratic Republic.'

Article 4

1. In Annex I to Commission Decision No 87/228/EEC⁽²⁾ a production area 'Ost' with code '04' is hereby added for Germany.

2. In Annex III to the said Decision:

- a production area '4. Ost' comprising 'Berlin, Brandenburg, Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt und Thüringen', is added for the Federal Republic of Germany,
- 'Berlin' is deleted in the production area '1. Nord'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 26 April 1991.

For the Commission

Henning CHRISTOPHERSEN

Vice-President

⁽¹⁾ OJ No L 391, 30. 12. 1989, p. 42.

⁽²⁾ OJ No L 94, 8. 4. 1987, p. 32.

COMMISSION DIRECTIVE**of 30 April 1991****adapting to technical progress Council Directive 82/130/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp****(91/269/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 82/130/EEC of 15 February 1982 on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp⁽¹⁾ as last amended by Directive 88/35/EEC⁽²⁾, and in particular Article 7 thereof,

Whereas in view of the present state of technical progress, it is now necessary to adapt the contents of the harmonized standards referred to in Annex A of Directive 82/130/EEC;

Whereas in view of experience gained since Directive 82/130/EEC was adopted, it seems appropriate to amend Annex C thereto;

Whereas in view of the nature of equipment mentioned above, it is necessary to provide for a transition period in order to allow for the industry to adapt to the amendments of standards;

Whereas the measures provided for in this Directive are in accordance with the opinion delivered by the Restricted Committee of the Safety and Health Commission for the Mining and other Extractive industries,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 82/130/EEC is hereby amended as follows:

1. Annexes A and C are replaced by Annexes A and C in the Annex to this Directive.

2. Annex B is amended in accordance with Annex B in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 1992 and shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Member States shall communicate to the Commission the text of the national measures which they adopt pursuant to this Directive.

2. However, until 31 December 2009, Member States shall continue to apply the measures provided for in Article 4 of Directive 82/130/EEC as regards the equipment for which conformity to the harmonized standards is attested by the certificate of conformity referred to in Article 8 of Directive 82/130/EEC, provided that this certificate was issued before 1 January 1993.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 30 April 1991.

For the Commission

Vasso PAPANDREOU

Member of the Commission

⁽¹⁾ OJ No L 59, 2. 3. 1982, p. 10.
⁽²⁾ OJ No L 20, 26. 1. 1988, p. 28.

ANNEX

ANNEX A

HARMONIZED STANDARDS

The harmonized standards to which equipment must conform, depending on the type of protection, are the European Standards referred to in the table below.

Certificates drawn up in accordance with this Directive shall be referred to as "generation C certificates". The letter C shall appear at the beginning of the serial number of each such certificate.

EUROPEAN STANDARDS

(drawn up by Cenelec, 2 rue Brederode, PO Box 5, B-1000 Brussels)

Number	Title	Edition	Date
EN 50014	Electrical equipment for use in potentially explosive atmospheres : general requirements Amendment 1 Amendment 2 Amendments 3 and 4 Amendment 5	1	March 1977 July 1979 June 1982 December 1982 February 1986
EN 50015	Electrical equipment for use in potentially explosive atmospheres : oil immersion "o" Amendment 1	1	March 1977 July 1979
EN 50016	Electrical equipment for use in potentially explosive atmospheres : pressurized apparatus "p" Amendment 1	1	March 1977 July 1979
EN 50017	Electrical equipment for use in potentially explosive atmospheres : powder filling "q" Amendment 1	1	March 1977 July 1979
EN 50018	Electrical equipment for use in potentially explosive atmospheres : flameproof enclosure "d", Amendment 1 Amendment 2 Amendment 3	1	March 1977 July 1979 December 1982 November 1985
EN 50019	Electrical equipment for use in potentially explosive atmospheres : increased safety "e" Amendment 1 Amendment 2 Amendment 3	1	March 1977 July 1979 September 1983 December 1985
EN 50020	Electrical equipment for use in potentially explosive atmospheres : intrinsic safety "i" Amendment 1 Amendment 2	1	March 1977 July 1979 December 1985
En 50028	Electrical apparatus for potentially explosive atmospheres : encapsulation "m"	1	February 1987

*ANNEX B***Amendments and supplements made to the European Standards listed in Annex A***Appendix 1***ELECTRICAL APPARATUS FOR POTENTIALLY EXPLOSIVE ATMOSPHERES OF GROUP I****GENERAL REQUIREMENTS**

(European standard EN 50014)

Replace the text of 6.3.1 of amendment 3 (December 1982) to European Standard EN 50014 by the following text:

'6.3.1 Electrical apparatus of Group I

Enclosures of plastic materials with a surface area projected in any direction of more than 100 cm², or containing exposed metallic parts with a capacitance to earth of more than 3 pF, under the most unfavourable conditions in practice, shall be so designed that under normal conditions of use, maintenance and cleaning, danger of ignition due to electrostatic charges is avoided.

This requirement shall be satisfied:

- either by suitable selection of the material: its insulation resistance, measured according to the method given in 22.4.7.8 of this European standard, shall not exceed:
 - 1 G Ω at 23 $\pm$ 2 °C and 50 $\pm$ 5 % relative humidity,
 - or
 - 100 G Ω under extreme service conditions of temperature and humidity specified for the electrical apparatus; the 'x' shall then be placed after the certificate reference, as indicated in 26.2.9;
- or by the size, shape, layout or by other protective methods. The non-appearance of dangerous electrostatic charges shall then be verified by actual tests for ignition of an air-methane mixture containing 8,5 $\pm$ 0,5 % of methane.

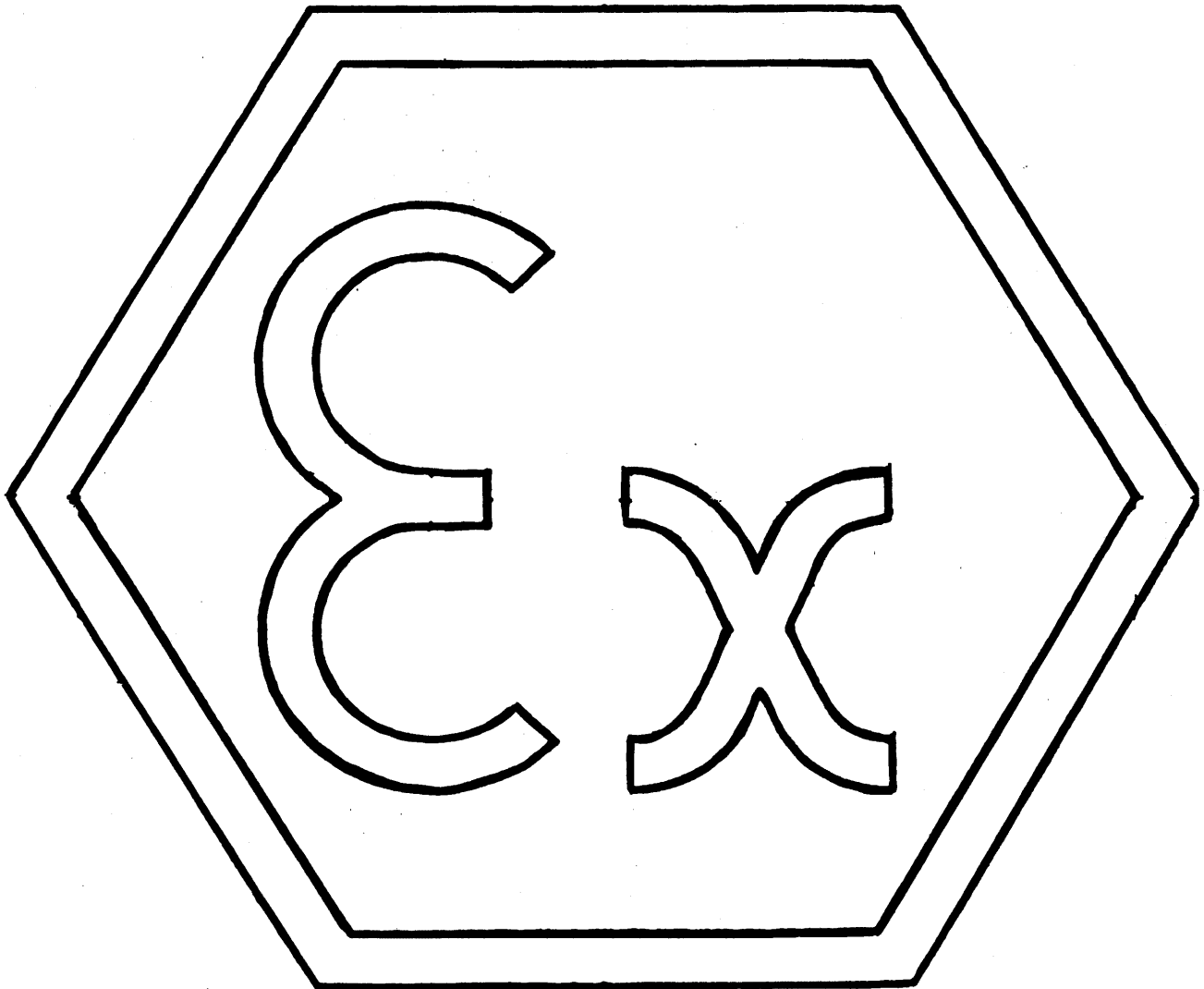
If, however, the danger of ignition cannot be avoided in the design, a warning label shall indicate the safety measures to be applied in service.'

Appendix 2

Delete the text of Appendix 2 of Annex B to Directive 82/130/EEC.

Appendix 3

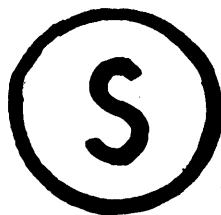
Retain the text of Appendix 3 of Annex B to Directive 82/130/EEC without change.

*ANNEX C***ELECTRICAL APPARATUS FOR POTENTIALLY EXPLOSIVE ATMOSPHERES OF GROUP I****I. DISTINCTIVE COMMUNITY MARK****II. MARKING OF ELECTRICAL APPARATUS COVERED BY AN INSPECTION CERTIFICATE**

If a type of electrical apparatus which is not in conformity with the harmonized standards has been granted an inspection certificate as provided for in Article 9, the distinctive Community mark must be supplemented at least by the following:

1. The symbol 'S' signifying that it is an electrical apparatus suitable for gassy mines covered by an inspection certificate. This symbol shall immediately follow the distinctive Community mark as indicated below.
2. The last two digits of the year of issue of the inspection certificate.
3. The serial number of the inspection certificate for that year.

4. The name or symbol of the body approved to issue the certificate.
5. The name of the manufacturer or his registered trade mark.
6. The manufacturer's type identification.
7. The manufacturer's serial number.
8. If the testing station considers that it is necessary to indicate special conditions for safe use, the sign 'X' shall be placed after the certificate reference.
9. Any marking normally required by the construction standards for the electrical apparatus.
10. Any supplementary marking considered necessary by the body approved to issue the certificates.



COMMISSION DECISION**of 14 May 1991****drawing up a list of third countries from which Member States authorize
importation of embryos of domestic animals of the bovine species****(91/270/EEC)**

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

Having regard to Council Directive 89/556/EEC of 25
September 1989 ⁽¹⁾ laying down the animal health requi-
rements applicable to intra-Community trade in and
imports of embryos of domestic animals of the bovine
species, as last amended by Council Directive
90/425/EEC of 26 June 1990 ⁽²⁾ and in particular Article
7 thereof;

Whereas the system for establishing the list of third coun-
tries from which Member States may import embryos of
domestic animals of the bovine species is laid down under
Directive 89/556/EEC;

Whereas in order to establish such a list, it is appropriate
to take account of the animal health situation in third
countries and of similar lists existing for the import of
live animals and semen;

Whereas further Community measures remain to be
adopted in respect of importation of embryos; whereas
the Commission is continuing its task of preparing such
measures with due speed;

Whereas, while respecting the limitations arising from the
adoption of the list, imports of embryos shall continue to

be subject to national provisions in respect of health and
veterinary inspection in so far as they are not already
subject to any Community health protection measures;

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

Member States shall only import embryos of domestic
animals of the bovine species from those third countries
which appear on the list in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1989, p. 1.

⁽²⁾ OJ No L 224, 18. 8. 1990, p. 29.

*ANNEX***List of third countries from which Member States authorize importation of embryos of domestic animals of the bovine species**

Australia	Poland
Austria	Romania
Canada	Sweden
Czechoslovakia	Switzerland
Finland	United States of America
Hungary	Yugoslavia
Israel	
New Zealand	
Norway	

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1156/89 of 28 April 1989 amending Regulation (EEC) No 1767/82 as regards the adjustment of the free-at-frontier values of certain cheeses for the 1989/90 milk year

(Official Journal of the European Communities No L 119 of 29 April 1989)

On page 96 in Article 1 :

for:

'CN code	Description	Country of origin	Import levy in ecus per 100 kg net weight unless otherwise specified
"(g) ex 0406 90 21	Cheddar, made from unpasteurized milk, of a minimum fat content of 50 % by weight, in the dry matter, matured for at least nine months, of a free-at-frontier value (°) per 100 kg net weight of not less than : — ECU 294,10 in the case of whole cheeses (°) (b) — ECU 312,24 in the case of cheeses of a net weight of not less than 500 g — ECU 324,33 in the case of cheeses of a net weight of less than 500 g	Canada	12,09"

read :

'CN code	Description	Country of origin	Import levy in ecus per 100 kg net weight unless otherwise specified
"(g) ex 0406 90 21	Cheddar, made from unpasteurized milk, of a minimum fat content of 50 % by weight, in the dry matter, matured for at least nine months, of a free-at-frontier value (°) per 100 kg net weight of not less than : — ECU 294,10 in the case of whole cheeses (°) (b) — ECU 312,24 in the case of cheeses of a net weight of not less than 500 g — ECU 324,33 in the case of cheeses of a net weight of less than 500 g subject to an annual tariff quota of 2 750 tonnes	Canada	12,09"

Corrigendum to Commission Regulation (EEC) No 992/91 of 23 April 1991 amending Regulations (EEC) No 1105/68 and (EEC) No 1634/85 as regards the amount of aid granted for skimmed milk and akimmet-milk powder for use as feed

(Official Journal of the European Communities No L 104 of 24 April 1991)

On page 47 :

for: 'Article 2

In Article 1 of Regulation (EEC) No 1634/85, "ECU 5,27" is hereby replaced by "ECU 5,68" and "ECU 70" is replaced by "ECU 65".

read: 'Article 2

In Article 1 of Regulation (EEC) No 1634/85, "ECU 5,68" is hereby replaced by "ECU 5,27" and "ECU 70" is replaced by "ECU 65".

Corrigendum to Commission Regulation (EEC) No 1380/91 of 24 May 1991 fixing the amount of the subsidy on oil seeds

(Official Journal of the European Communities No L 130 of 25 May 1991)

On page 66 in Annex III, point 2 (a) in the column headed 'Current 5' against 'Italy (Lit)':

for: '46 805',

read: '45 805'.

Corrigendum to Commission Decision 90/455/EEC of 30 July 1990 concerning the areas referred to in Article 3 (2) of Council Regulation (EEC) No 2506/88 instituting a Community programme to assist the conversion of shipbuilding areas (Renaval programme)

(Official Journal of the European Communities No L 231 of 25 August 1990)

Page 39, Article 1, third indent, first sub-indent:

for: '— in the province of Venice:

Campagna Lupio, Chioggia, Martellago, Spinea, Venice (excluding Mestre),'

read: '— in the province of Venice:

Campagna Lupio, Chioggia, Martellago, Mira, Spinea, Venice (excluding Mestre),'
