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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 2045/91**

**of 26 June 1991**

**amending Regulation (EEC) No 985/68 laying down general rules for  
intervention on the market in butter and cream**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 985/68 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3644/90 <sup>(4)</sup>, provides that butter bought in by intervention agencies must meet certain requirements; whereas one of those requirements is that the butter be subject to controls by the public authorities and be graded first quality in the Member State where it is produced; whereas the quality of butter graded 'lurmæket' in Denmark, unlike butter graded 'smør af første kvalitet', is no longer subject to controls by the Danish public

authorities; whereas the designation in Article 1 of that Regulation regarding Denmark should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The second indent of Article 1 (3) (b) of Regulation (EEC) No 985/68 is hereby replaced by the following:

— graded 'smør af første kvalitet' as regards Danish butter,

*Article 2*

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

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

Done at Luxembourg, 26 June 1991.

*For the Council*

*The President*

R. STEICHEN

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 362, 27. 12. 1990, p. 5.

<sup>(3)</sup> OJ No L 169, 18. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 362, 27. 12. 1990, p. 10.

## COMMISSION REGULATION (EEC) No 2046/91

of 12 July 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(4)</sup>, 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 1844/91 <sup>(5)</sup>, 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 11 July 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 1844/91 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 13 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 1.

## ANNEX

to the Commission Regulation of 12 July 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

*(ECU/tonne)*

| CN code    | Levy                                 |
|------------|--------------------------------------|
| 0709 90 60 | 128,98 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 128,98 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 160,22 <sup>(1)</sup> <sup>(5)</sup> |
| 1001 10 90 | 160,22 <sup>(1)</sup> <sup>(5)</sup> |
| 1001 90 91 | 151,37                               |
| 1001 90 99 | 151,37                               |
| 1002 00 00 | 133,14 <sup>(6)</sup>                |
| 1003 00 10 | 136,86                               |
| 1003 00 90 | 136,86                               |
| 1004 00 10 | 112,01                               |
| 1004 00 90 | 112,01                               |
| 1005 10 90 | 128,98 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 128,98 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 135,81 <sup>(4)</sup>                |
| 1008 10 00 | 27,40                                |
| 1008 20 00 | 111,43 <sup>(4)</sup>                |
| 1008 30 00 | 22,87 <sup>(7)</sup>                 |
| 1008 90 10 | (7)                                  |
| 1008 90 90 | 22,87                                |
| 1101 00 00 | 224,92 <sup>(8)</sup>                |
| 1102 10 00 | 200,30 <sup>(8)</sup>                |
| 1103 11 10 | 261,37 <sup>(8)</sup>                |
| 1103 11 90 | 242,91 <sup>(8)</sup>                |

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

<sup>(2)</sup> 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'.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

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

<sup>(8)</sup> 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 2047/91

of 12 July 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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 1845/91<sup>(5)</sup> and subsequent amending Regulation;

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

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

rate, multiplied by the corrective factor provided for in the last 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 11 July 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 13 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.  
<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.  
<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.  
<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 4.

## ANNEX

to the Commission Regulation of 12 July 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<br>7 | 1st period<br>8 | 2nd period<br>9 | 3rd period<br>10 |
|------------|--------------|-----------------|-----------------|------------------|
| 0709 90 60 | 0            | 2,66            | 2,66            | 1,81             |
| 0712 90 19 | 0            | 2,66            | 2,66            | 1,81             |
| 1001 10 10 | 0            | 0               | 0               | 5,66             |
| 1001 10 90 | 0            | 0               | 0               | 5,66             |
| 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            | 2,66            | 2,66            | 1,81             |
| 1005 90 00 | 0            | 2,66            | 2,66            | 1,81             |
| 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<br>7 | 1st period<br>8 | 2nd period<br>9 | 3rd period<br>10 | 4th period<br>11 |
|------------|--------------|-----------------|-----------------|------------------|------------------|
| 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 2048/91**  
**of 12 July 1991**  
**fixing the import levies on rice and broken rice**

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

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

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

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 <sup>(3)</sup>, as last amended by Regulation (EEC) No 674/91 <sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice 230/91 broken rice were fixed by Commission Regulation (EEC) No 915/91 <sup>(5)</sup>, as last amended by Regulation (EEC) No 1978/91 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 92, 13. 4. 1991, p. 5.

<sup>(6)</sup> OJ No L 178, 6. 7. 1991, p. 5.

## ANNEX

## to the Commission Regulation of 12 July 1991 fixing the import levies on rice and broken rice

| CN code    | Arrangement<br>in Regulation (EEC)<br>No 3877/86 | ACP or OCT<br>( <sup>(1)</sup> ) ( <sup>(2)</sup> ) ( <sup>(3)</sup> )<br>Bangladesh | Third countries<br>(except ACP or OCT)<br>( <sup>(4)</sup> ) |
|------------|--------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------|
| 1006 10 21 | —                                                | 150,83                                                                               | 308,87                                                       |
| 1006 10 23 | 200,55                                           | 130,10                                                                               | 267,40                                                       |
| 1006 10 25 | 200,55                                           | 130,10                                                                               | 267,40                                                       |
| 1006 10 27 | 200,55                                           | 130,10                                                                               | 267,40                                                       |
| 1006 10 92 | —                                                | 150,83                                                                               | 308,87                                                       |
| 1006 10 94 | 200,55                                           | 130,10                                                                               | 267,40                                                       |
| 1006 10 96 | 200,55                                           | 130,10                                                                               | 267,40                                                       |
| 1006 10 98 | 200,55                                           | 130,10                                                                               | 267,40                                                       |
| 1006 20 11 | —                                                | 189,44                                                                               | 386,09                                                       |
| 1006 20 13 | 250,69                                           | 163,52                                                                               | 334,25                                                       |
| 1006 20 15 | 250,69                                           | 163,52                                                                               | 334,25                                                       |
| 1006 20 17 | 250,69                                           | 163,52                                                                               | 334,25                                                       |
| 1006 20 92 | —                                                | 189,44                                                                               | 386,09                                                       |
| 1006 20 94 | 250,69                                           | 163,52                                                                               | 334,25                                                       |
| 1006 20 96 | 250,69                                           | 163,52                                                                               | 334,25                                                       |
| 1006 20 98 | 250,69                                           | 163,52                                                                               | 334,25                                                       |
| 1006 30 21 | —                                                | 234,07                                                                               | 492,00 ( <sup>(5)</sup> )                                    |
| 1006 30 23 | 422,87 ( <sup>(5)</sup> )                        | 270,02                                                                               | 563,82 ( <sup>(5)</sup> )                                    |
| 1006 30 25 | 422,87 ( <sup>(5)</sup> )                        | 270,02                                                                               | 563,82 ( <sup>(5)</sup> )                                    |
| 1006 30 27 | 422,87 ( <sup>(5)</sup> )                        | 270,02                                                                               | 563,82 ( <sup>(5)</sup> )                                    |
| 1006 30 42 | —                                                | 234,07                                                                               | 492,00 ( <sup>(5)</sup> )                                    |
| 1006 30 44 | 422,87 ( <sup>(5)</sup> )                        | 270,02                                                                               | 563,82 ( <sup>(5)</sup> )                                    |
| 1006 30 46 | 422,87 ( <sup>(5)</sup> )                        | 270,02                                                                               | 563,82 ( <sup>(5)</sup> )                                    |
| 1006 30 48 | 422,87 ( <sup>(5)</sup> )                        | 270,02                                                                               | 563,82 ( <sup>(5)</sup> )                                    |
| 1006 30 61 | —                                                | 249,64                                                                               | 523,98 ( <sup>(5)</sup> )                                    |
| 1006 30 63 | 453,32 ( <sup>(5)</sup> )                        | 289,86                                                                               | 604,42 ( <sup>(5)</sup> )                                    |
| 1006 30 65 | 453,32 ( <sup>(5)</sup> )                        | 289,86                                                                               | 604,42 ( <sup>(5)</sup> )                                    |
| 1006 30 67 | 453,32 ( <sup>(5)</sup> )                        | 289,86                                                                               | 604,42 ( <sup>(5)</sup> )                                    |
| 1006 30 92 | —                                                | 249,64                                                                               | 523,98 ( <sup>(5)</sup> )                                    |
| 1006 30 94 | 453,32 ( <sup>(5)</sup> )                        | 289,86                                                                               | 604,42 ( <sup>(5)</sup> )                                    |
| 1006 30 96 | 453,32 ( <sup>(5)</sup> )                        | 289,86                                                                               | 604,42 ( <sup>(5)</sup> )                                    |
| 1006 30 98 | 453,32 ( <sup>(5)</sup> )                        | 289,86                                                                               | 604,42 ( <sup>(5)</sup> )                                    |
| 1006 40 00 | —                                                | 69,28                                                                                | 144,56                                                       |

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

(<sup>(2)</sup>) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and imported directly into the overseas department of Réunion.

(<sup>(3)</sup>) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(<sup>(4)</sup>) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(<sup>(5)</sup>) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

**COMMISSION REGULATION (EEC) No 2049/91****of 12 July 1991****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 3847/90 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1979/91 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 367, 29. 12. 1990, p. 19.

<sup>(4)</sup> OJ No L 178, 6. 7. 1991, p. 7.

## ANNEX

to the Commission Regulation of 12 July 1991 fixing the premiums to be added to the import levies on rice and broken rice

| CN code    | (ECU/tonne)  |                 |                 |                  |
|------------|--------------|-----------------|-----------------|------------------|
|            | Current<br>7 | 1st period<br>8 | 2nd period<br>9 | 3rd period<br>10 |
| 1006 10 21 | 0            | 0               | 0               | —                |
| 1006 10 23 | 0            | 0               | 0               | —                |
| 1006 10 25 | 0            | 0               | 0               | —                |
| 1006 10 27 | 0            | 0               | 0               | —                |
| 1006 10 92 | 0            | 0               | 0               | —                |
| 1006 10 94 | 0            | 0               | 0               | —                |
| 1006 10 96 | 0            | 0               | 0               | —                |
| 1006 10 98 | 0            | 0               | 0               | —                |
| 1006 20 11 | 0            | 0               | 0               | —                |
| 1006 20 13 | 0            | 0               | 0               | —                |
| 1006 20 15 | 0            | 0               | 0               | —                |
| 1006 20 17 | 0            | 0               | 0               | —                |
| 1006 20 92 | 0            | 0               | 0               | —                |
| 1006 20 94 | 0            | 0               | 0               | —                |
| 1006 20 96 | 0            | 0               | 0               | —                |
| 1006 20 98 | 0            | 0               | 0               | —                |
| 1006 30 21 | 0            | 0               | 0               | —                |
| 1006 30 23 | 0            | 0               | 0               | —                |
| 1006 30 25 | 0            | 0               | 0               | —                |
| 1006 30 27 | 0            | 0               | 0               | —                |
| 1006 30 42 | 0            | 0               | 0               | —                |
| 1006 30 44 | 0            | 0               | 0               | —                |
| 1006 30 46 | 0            | 0               | 0               | —                |
| 1006 30 48 | 0            | 0               | 0               | —                |
| 1006 30 61 | 0            | 0               | 0               | —                |
| 1006 30 63 | 0            | 0               | 0               | —                |
| 1006 30 65 | 0            | 0               | 0               | —                |
| 1006 30 67 | 0            | 0               | 0               | —                |
| 1006 30 92 | 0            | 0               | 0               | —                |
| 1006 30 94 | 0            | 0               | 0               | —                |
| 1006 30 96 | 0            | 0               | 0               | —                |
| 1006 30 98 | 0            | 0               | 0               | —                |
| 1006 40 00 | 0            | 0               | 0               | 0                |

## COMMISSION REGULATION (EEC) No 2050/91

of 12 July 1991

on a special intervention measure for durum wheat in Greece

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas production of durum wheat in Greece exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is very slight;

Whereas the Greek market can be relieved by the export of part of this surplus quantity of durum wheat to non-member countries; whereas, in view of world market prices for durum wheat, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of durum wheat from Member States where the market situation is completely different from that in Greece;

Whereas, in the absence of adequate measures, massive quantities of durum wheat may be expected to enter intervention storage in Greece, in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Greek market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products produced in and exported from Greece, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on wheat of the quality required for acceptance for intervention in Greece, as defined in Commission Regulation (EEC) No 1569/77 <sup>(3)</sup>, as last

amended by Regulation (EEC) No 1841/90 <sup>(4)</sup>; whereas the competent agency must make certain that wheat exported is of this standard, however, the maximum percentage for broken grains is increased to 8 %;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds <sup>(5)</sup> and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals <sup>(6)</sup>, as last amended by Regulation (EEC) No 2788/86 <sup>(7)</sup>;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. A special intervention measure in the form of an export refund shall be applied in respect of 300 000 tonnes of durum wheat produced in and exported from Greece.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 174, 14. 7. 1977, p. 15.

<sup>(4)</sup> OJ No L 168, 30. 6. 1990, p. 14.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(6)</sup> OJ No L 31, 5. 2. 1975, p. 8.

<sup>(7)</sup> OJ No L 257, 10. 9. 1986, p. 32.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Greek intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

#### Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of durum wheat referred to in Article 1 (1) for export to the countries in zones I, II, III, IV, V, VI, VII and VIII listed in Annex I to Commission Regulation (EEC) No 1124/77<sup>(1)</sup> and the German Democratic Republic.

3. The invitation shall remain open until 19 December 1991. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

4. Tenders must be submitted to the Greek intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

#### Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
  - advance fixing of the Greek monetary compensatory amount valid on each closing date for the submission of tenders,
  - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in Greece.

#### Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be ECU 12 per tonne.

#### Article 5

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88<sup>(2)</sup>, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

#### Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the durum wheat exported is of at least intervention quality in Greece as defined in Regulation (EEC) No 1569/77. However the maximum percentage for broken grains is increased to 8 %. The competent agency shall have an analysis made of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

4. Where the quality does not correspond to that defined in paragraph 3, the refund shall be reduced by ECU 50 per tonne.

#### Article 7

Tenders submitted must reach the Commission through the intermediary of the Greek intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, the Greek intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

#### Article 8

The times fixed for the submission of tenders shall correspond to Belgian time.

#### Article 9

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

<sup>(1)</sup> OJ No L 134, 28. 5. 1977, p. 53.

<sup>(2)</sup> OJ No L 33, 2. 12. 1988, p. 1.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**ANNEX**

**Weekly tender for the refund for the export of durum wheat to countries in zones I, II, III, IV, V, VI, VII and VIII**

(Closing date for the submission of tenders (date/time))

| 1                  | 2                  | 3                                             |
|--------------------|--------------------|-----------------------------------------------|
| Number of tenderer | Quantity in tonnes | Amount of export refund in drachmas per tonne |
| 1                  |                    |                                               |
| 2                  |                    |                                               |
| 3                  |                    |                                               |
| etc.               |                    |                                               |

**COMMISSION REGULATION (EEC) No 2051/91**  
**of 12 July 1991**  
**fixing the import levies on milk and milk products**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91 <sup>(2)</sup>, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1653/91 <sup>(3)</sup>, as amended by Regulation (EEC) No 1848/91 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1653/91 to the prices

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 referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 19.

<sup>(3)</sup> OJ No L 151, 15. 6. 1991, p. 22.

<sup>(4)</sup> OJ No L 168, 29. 6. 1991, p. 11.

## ANNEX

to the Commission Regulation of 12 July 1991 fixing the import levies on milk and milk products

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

| CN code    | Note        | Import levy       |
|------------|-------------|-------------------|
| 0401 10 10 |             | 17,79             |
| 0401 10 90 |             | 16,58             |
| 0401 20 11 |             | 24,41             |
| 0401 20 19 |             | 23,20             |
| 0401 20 91 |             | 29,68             |
| 0401 20 99 |             | 28,47             |
| 0401 30 11 |             | 75,73             |
| 0401 30 19 |             | 74,52             |
| 0401 30 31 |             | 145,27            |
| 0401 30 39 |             | 144,06            |
| 0401 30 91 |             | 243,30            |
| 0401 30 99 |             | 242,09            |
| 0402 10 11 | (*)         | 126,42            |
| 0402 10 19 | (*)         | 119,17            |
| 0402 10 91 | (*) (*)     | 1,1917/kg + 28,03 |
| 0402 10 99 | (*) (*)     | 1,1917/kg + 20,78 |
| 0402 21 11 | (*)         | 179,00            |
| 0402 21 17 | (*)         | 171,75            |
| 0402 21 19 | (*)         | 171,75            |
| 0402 21 91 | (*)         | 220,89            |
| 0402 21 99 | (*)         | 213,64            |
| 0402 29 11 | (*) (*) (*) | 1,7175/kg + 28,03 |
| 0402 29 15 | (*) (*)     | 1,7175/kg + 28,03 |
| 0402 29 19 | (*) (*)     | 1,7175/kg + 20,78 |
| 0402 29 91 | (*) (*)     | 2,1364/kg + 28,03 |
| 0402 29 99 | (*) (*)     | 2,1364/kg + 20,78 |
| 0402 91 11 | (*)         | 30,28             |
| 0402 91 19 | (*)         | 30,28             |
| 0402 91 31 | (*)         | 37,85             |
| 0402 91 39 | (*)         | 37,85             |
| 0402 91 51 | (*)         | 145,27            |
| 0402 91 59 | (*)         | 144,06            |
| 0402 91 91 | (*)         | 243,30            |
| 0402 91 99 | (*)         | 242,09            |
| 0402 99 11 | (*)         | 49,85             |
| 0402 99 19 | (*)         | 49,85             |
| 0402 99 31 | (*) (*)     | 1,4164/kg + 24,41 |
| 0402 99 39 | (*) (*)     | 1,4164/kg + 23,20 |
| 0402 99 91 | (*) (*)     | 2,3967/kg + 24,41 |
| 0402 99 99 | (*) (*)     | 2,3967/kg + 23,20 |
| 0403 10 02 |             | 126,42            |
| 0403 10 04 |             | 179,00            |

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

| CN code    | Note                             | Import levy       |
|------------|----------------------------------|-------------------|
| 0403 10 06 |                                  | 220,89            |
| 0403 10 12 | ( <sup>1</sup> )                 | 1,1917/kg + 28,03 |
| 0403 10 14 | ( <sup>1</sup> )                 | 1,7175/kg + 28,03 |
| 0403 10 16 | ( <sup>1</sup> )                 | 2,1364/kg + 28,03 |
| 0403 10 22 |                                  | 26,82             |
| 0403 10 24 |                                  | 32,09             |
| 0403 10 26 |                                  | 78,14             |
| 0403 10 32 | ( <sup>1</sup> )                 | 0,2078/kg + 26,82 |
| 0403 10 34 | ( <sup>1</sup> )                 | 0,2605/kg + 26,82 |
| 0403 10 36 | ( <sup>1</sup> )                 | 0,7210/kg + 26,82 |
| 0403 90 11 |                                  | 126,42            |
| 0403 90 13 |                                  | 179,00            |
| 0403 90 19 |                                  | 220,89            |
| 0403 90 31 | ( <sup>1</sup> )                 | 1,1917/kg + 28,03 |
| 0403 90 33 | ( <sup>1</sup> )                 | 1,7175/kg + 28,03 |
| 0403 90 39 | ( <sup>1</sup> )                 | 2,1364/kg + 28,03 |
| 0403 90 51 |                                  | 26,82             |
| 0403 90 53 |                                  | 32,09             |
| 0403 90 59 |                                  | 78,14             |
| 0403 90 61 | ( <sup>1</sup> )                 | 0,2078/kg + 26,82 |
| 0403 90 63 | ( <sup>1</sup> )                 | 0,2605/kg + 26,82 |
| 0403 90 69 | ( <sup>1</sup> )                 | 0,7210/kg + 26,82 |
| 0404 10 11 |                                  | 24,20             |
| 0404 10 19 | ( <sup>1</sup> )                 | 0,2420/kg + 20,78 |
| 0404 10 91 | ( <sup>2</sup> )                 | 0,2420/kg         |
| 0404 10 99 | ( <sup>2</sup> )                 | 0,2420/kg + 20,78 |
| 0404 90 11 |                                  | 126,42            |
| 0404 90 13 |                                  | 179,00            |
| 0404 90 19 |                                  | 220,89            |
| 0404 90 31 |                                  | 126,42            |
| 0404 90 33 |                                  | 179,00            |
| 0404 90 39 |                                  | 220,89            |
| 0404 90 51 | ( <sup>1</sup> )                 | 1,1917/kg + 28,03 |
| 0404 90 53 | ( <sup>1</sup> )( <sup>3</sup> ) | 1,7175/kg + 28,03 |
| 0404 90 59 | ( <sup>1</sup> )                 | 2,1364/kg + 28,03 |
| 0404 90 91 | ( <sup>1</sup> )                 | 1,1917/kg + 28,03 |
| 0404 90 93 | ( <sup>1</sup> )( <sup>3</sup> ) | 1,7175/kg + 28,03 |
| 0404 90 99 | ( <sup>1</sup> )                 | 2,1364/kg + 28,03 |
| 0405 00 10 |                                  | 250,86            |
| 0405 00 90 |                                  | 306,05            |
| 0406 10 10 | ( <sup>4</sup> )                 | 227,42            |
| 0406 10 90 | ( <sup>4</sup> )                 | 278,99            |
| 0406 20 10 | ( <sup>3</sup> )( <sup>4</sup> ) | 371,60            |
| 0406 20 90 | ( <sup>4</sup> )                 | 371,60            |
| 0406 30 10 | ( <sup>3</sup> )( <sup>4</sup> ) | 181,66            |
| 0406 30 31 | ( <sup>3</sup> )( <sup>4</sup> ) | 170,45            |
| 0406 30 39 | ( <sup>3</sup> )( <sup>4</sup> ) | 181,66            |
| 0406 30 90 | ( <sup>3</sup> )( <sup>4</sup> ) | 278,38            |

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

| CN code    | Note                              | Import levy |
|------------|-----------------------------------|-------------|
| 0406 40 00 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 148,14      |
| 0406 90 11 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 220,12      |
| 0406 90 13 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 180,59      |
| 0406 90 15 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 180,59      |
| 0406 90 17 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 180,59      |
| 0406 90 19 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 371,60      |
| 0406 90 21 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 220,12      |
| 0406 90 23 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 25 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 27 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 29 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 31 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 33 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 35 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 37 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 39 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 50 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 61 | ( <sup>4</sup> )                  | 371,60      |
| 0406 90 63 | ( <sup>4</sup> )                  | 371,60      |
| 0406 90 69 | ( <sup>4</sup> )                  | 371,60      |
| 0406 90 71 | ( <sup>4</sup> )                  | 227,42      |
| 0406 90 73 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 75 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 77 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 79 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 81 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 83 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 85 | ( <sup>4</sup> )                  | 182,27      |
| 0406 90 89 | ( <sup>3</sup> ) ( <sup>4</sup> ) | 182,27      |
| 0406 90 91 | ( <sup>4</sup> )                  | 227,42      |
| 0406 90 93 | ( <sup>4</sup> )                  | 227,42      |
| 0406 90 97 | ( <sup>4</sup> )                  | 278,99      |
| 0406 90 99 | ( <sup>4</sup> )                  | 278,99      |
| 1702 10 10 |                                   | 36,29       |
| 1702 10 90 |                                   | 36,29       |
| 2106 90 51 |                                   | 36,29       |
| 2309 10 15 |                                   | 91,80       |
| 2309 10 19 |                                   | 119,21      |
| 2309 10 39 |                                   | 111,72      |
| 2309 10 59 |                                   | 92,22       |
| 2309 10 70 |                                   | 119,21      |
| 2309 90 35 |                                   | 91,80       |
| 2309 90 39 |                                   | 119,21      |
| 2309 90 49 |                                   | 111,72      |
| 2309 90 59 |                                   | 92,22       |
| 2309 90 70 |                                   | 119,21      |

- 
- (<sup>1</sup>) The levy on 100 kg of product falling within this code is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
  - (b) the other amount indicated.
- (<sup>2</sup>) The levy on 100 kg of product falling within this code is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
  - (b) the other amount indicated.
- (<sup>3</sup>) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (<sup>4</sup>) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

**COMMISSION REGULATION (EEC) No 2052/91**  
**of 12 July 1991**  
**fixing the amount of the subsidy on oil seeds**

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture<sup>(3)</sup>, as last amended by Regulation (EEC) No 1963/91<sup>(4)</sup>,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1897/91<sup>(7)</sup>, as last amended by Regulation (EEC) No 2041/91<sup>(8)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1897/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83<sup>(9)</sup> shall be as set out in the Annexes hereto.

2. However, the amount of the aid for 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 13 July 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

*Article 2*

This Regulation shall enter into force on 13 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 182, 8. 7. 1991, p. 44.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 11.

<sup>(7)</sup> OJ No L 169, 29. 6. 1991, p. 16.

<sup>(8)</sup> OJ No L 186, 12. 7. 1991, p. 47.

<sup>(9)</sup> OJ No L 266, 28. 9. 1983, p. 1.

## ANNEX I

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

(amounts per 100 kg)

|                                    | Current<br>7 (1) | 1st period<br>8 (1) | 2nd period<br>9 (1) | 3rd period<br>10 (1) | 4th period<br>11 (1) | 5th period<br>12 (1) |
|------------------------------------|------------------|---------------------|---------------------|----------------------|----------------------|----------------------|
| 1. Gross aids (ECU):               |                  |                     |                     |                      |                      |                      |
| — Spain                            | 17,993           | 18,271              | 18,549              | 16,732               | 16,212               | 16,490               |
| — Portugal                         | 24,963           | 25,241              | 25,519              | 23,702               | 23,182               | 23,460               |
| — Other Member States              | 17,993           | 18,271              | 18,549              | 16,732               | 16,212               | 16,490               |
| 2. Final aids:                     |                  |                     |                     |                      |                      |                      |
| Seed harvested and processed in:   |                  |                     |                     |                      |                      |                      |
| — Federal Republic of Germany (DM) | 42,36            | 43,01               | 43,67               | 39,39                | 38,17                | 38,82                |
| — Netherlands (Fl)                 | 47,73            | 48,46               | 49,20               | 44,38                | 43,00                | 43,74                |
| — BLEU (Bfrs/Lfrs)                 | 873,67           | 887,17              | 900,67              | 812,44               | 787,19               | 800,69               |
| — France (FF)                      | 142,07           | 144,26              | 146,46              | 132,11               | 128,00               | 130,20               |
| — Denmark (Dkr)                    | 161,58           | 164,07              | 166,57              | 150,25               | 145,58               | 148,08               |
| — Ireland (£ Irl)                  | 15,812           | 16,056              | 16,300              | 14,704               | 14,247               | 14,491               |
| — United Kingdom (£)               | 14,211           | 14,434              | 14,657              | 13,199               | 12,780               | 13,002               |
| — Italy (Lit)                      | 31 694           | 32 183              | 32 673              | 29 473               | 28 557               | 28 956               |
| — Greece (Dr)                      | 4 464,69         | 4 524,65            | 4 566,98            | 4 058,87             | 3 920,03             | 3 869,91             |
| — Spain (Pta)                      | 2 760,40         | 2 801,44            | 2 842,47            | 2 573,01             | 2 496,97             | 2 527,39             |
| — Portugal (Esc)                   | 5 252,22         | 5 303,72            | 5 352,01            | 4 966,99             | 4 859,55             | 4 882,57             |

## ANNEX II

## Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

|                                    | Current<br>7 (1) | 1st period<br>8 (1) | 2nd period<br>9 (1) | 3rd period<br>10 (1) | 4th period<br>11 (1) | 5th period<br>12 (1) |
|------------------------------------|------------------|---------------------|---------------------|----------------------|----------------------|----------------------|
| 1. Gross aids (ECU):               |                  |                     |                     |                      |                      |                      |
| — Spain                            | 19,243           | 19,521              | 19,799              | 17,982               | 17,462               | 17,740               |
| — Portugal                         | 26,213           | 26,491              | 26,769              | 24,952               | 24,432               | 24,710               |
| — Other Member States              | 19,243           | 19,521              | 19,799              | 17,982               | 17,462               | 17,740               |
| 2. Final aids:                     |                  |                     |                     |                      |                      |                      |
| Seed harvested and processed in:   |                  |                     |                     |                      |                      |                      |
| — Federal Republic of Germany (DM) | 45,30            | 45,96               | 46,61               | 42,33                | 41,11                | 41,76                |
| — Netherlands (Fl)                 | 51,04            | 51,78               | 52,52               | 47,70                | 46,32                | 47,06                |
| — BLEU (Bfrs/Lfrs)                 | 934,37           | 947,87              | 961,37              | 873,14               | 847,89               | 861,39               |
| — France (FF)                      | 151,94           | 154,13              | 156,33              | 141,98               | 137,87               | 140,07               |
| — Denmark (Dkr)                    | 172,80           | 175,30              | 177,79              | 161,48               | 156,81               | 159,30               |
| — Ireland (£ Irl)                  | 16,910           | 17,155              | 17,399              | 15,802               | 15,345               | 15,589               |
| — United Kingdom (£)               | 15,205           | 15,429              | 15,652              | 14,194               | 13,775               | 13,996               |
| — Italy (Lit)                      | 33 896           | 34 385              | 34 875              | 31 674               | 30 758               | 31 158               |
| — Greece (Dr)                      | 4 779,84         | 4 839,80            | 4 882,13            | 4 374,02             | 4 235,18             | 4 185,06             |
| — Spain (Pta)                      | 2 948,94         | 2 989,97            | 3 031,01            | 2 761,54             | 2 685,50             | 2 715,92             |
| — Portugal (Esc)                   | 5 513,06         | 5 564,56            | 5 612,85            | 5 227,83             | 5 120,40             | 5 143,42             |

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

|                                            | Current<br>7 | 1st period<br>8 (1) | 2nd period<br>9 (1) | 3rd period<br>10 (1) | 4th period<br>11 (1) |
|--------------------------------------------|--------------|---------------------|---------------------|----------------------|----------------------|
| 1. Gross aids (ECU):                       |              |                     |                     |                      |                      |
| — Spain                                    | 26,000       | 25,645              | 25,982              | 25,301               | 25,147               |
| — Portugal                                 | 35,016       | 32,832              | 33,163              | 32,494               | 32,349               |
| — Other Member States                      | 22,776       | 20,592              | 20,923              | 20,254               | 20,109               |
| 2. Final aids:                             |              |                     |                     |                      |                      |
| (a) Seed harvested and processed in (2):   |              |                     |                     |                      |                      |
| — Federal Republic of Germany (DM)         | 53,62        | 48,48               | 49,26               | 47,68                | 47,34                |
| — Netherlands (Fl)                         | 60,41        | 54,62               | 55,50               | 53,72                | 53,34                |
| — BLEU (Bfrs/Lfrs)                         | 1 105,92     | 999,87              | 1 015,94            | 983,46               | 976,42               |
| — France (FF)                              | 179,83       | 162,59              | 165,20              | 159,92               | 158,77               |
| — Denmark (Dkr)                            | 204,53       | 184,91              | 187,89              | 181,88               | 180,58               |
| — Ireland (£ Irl)                          | 20,015       | 18,096              | 18,387              | 17,799               | 17,671               |
| — United Kingdom (£)                       | 17,315       | 16,249              | 16,515              | 15,978               | 15,859               |
| — Italy (Lit)                              | 40 119       | 36 272              | 36 855              | 35 676               | 35 421               |
| — Greece (Dr)                              | 4 418,35     | 5 083,85            | 5 130,45            | 4 913,34             | 4 872,39             |
| — Portugal (Esc)                           | 7 363,14     | 6 898,27            | 6 954,89            | 6 805,36             | 6 775,72             |
| (b) Seed harvested in Spain and processed: |              |                     |                     |                      |                      |
| — in Spain (Pta)                           | 4 077,22     | 3 927,31            | 3 977,08            | 3 874,98             | 3 853,16             |
| — in another Member State (Pta)            | 4 147,42     | 3 994,75            | 4 043,61            | 3 943,39             | 3 922,88             |

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

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

## ANNEX IV

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

(value of ECU 1)

|           | Current<br>7 | 1st period<br>8 | 2nd period<br>9 | 3rd period<br>10 | 4th period<br>11 | 5th period<br>12 |
|-----------|--------------|-----------------|-----------------|------------------|------------------|------------------|
| DM        | 2,053090     | 2,051320        | 2,049970        | 2,048810         | 2,048810         | 2,045900         |
| Fl        | 2,313750     | 2,311960        | 2,310450        | 2,309100         | 2,309100         | 2,305250         |
| Bfrs/Lfrs | 42,278500    | 42,242300       | 42,210300       | 42,184900        | 42,184900        | 42,113000        |
| FF        | 6,970980     | 6,969600        | 6,967840        | 6,965730         | 6,965730         | 6,957120         |
| Dkr       | 7,941650     | 7,935850        | 7,931550        | 7,927170         | 7,927170         | 7,916780         |
| £Irl      | 0,767913     | 0,767961        | 0,767928        | 0,768019         | 0,768019         | 0,767548         |
| £         | 0,697666     | 0,698373        | 0,698885        | 0,699264         | 0,699264         | 0,699612         |
| Lit       | 1 528,96     | 1 530,80        | 1 532,56        | 1 534,35         | 1 534,35         | 1 541,38         |
| Dr        | 224,49700    | 226,34200       | 228,22300       | 230,24400        | 230,24400        | 236,77300        |
| Esc       | 179,28400    | 180,54500       | 181,13700       | 181,69400        | 181,69400        | 183,62600        |
| Pta       | 129,05100    | 129,30900       | 129,55800       | 129,76500        | 129,76500        | 130,35800        |

## COMMISSION REGULATION (EEC) No 2053/91

of 2 July 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 4056/89<sup>(2)</sup>,

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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1752/91<sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the British authorities have requested replacement in the list annexed to Regulation (EEC) No 55/87 of nine 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, 2 July 1991.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 288, 11. 10. 1986, p. 1.

<sup>(2)</sup> OJ No L 389, 30. 12. 1989, p. 75.

<sup>(3)</sup> OJ No L 8, 10. 1. 1987, p. 1.

<sup>(4)</sup> OJ No L 157, 21. 6. 1991, p. 16.

## ANNEX

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

Vessels to be replaced :

| External identification<br>(Letters + numbers) | Name of vessel  | Radio call<br>sign | Port of<br>registry | Engine power<br>(kW) |
|------------------------------------------------|-----------------|--------------------|---------------------|----------------------|
| UNITED KINGDOM                                 |                 |                    |                     |                      |
| PZ 513                                         | Excellent       | MRLQ               | Penzance            | 118                  |
| FH 135                                         | Girl Lisa       | ZEOP               | Falmouth            | 214                  |
| FY 200                                         | Karen Jane      | 2CAZ               | Fowey               | 88                   |
| BM 223                                         | Selver Seagull  | 2UJS               | Brixham             | 170                  |
| LT 351                                         | Michelle Louisa | 2SCR               | Lowestoft           | 218                  |
| SY 247                                         | The Girl Carmen |                    | Stornoway           | 82                   |
| 413                                            | Sunreve         | 2FZW               | Ramsgate            | 170                  |
| LT 266                                         | Senex Fidelis   | 2UNK               | Lowestoft           | 221                  |
| FH 514                                         | Sea Bien        | MACE7              | Falmouth            | 155                  |

Vessels replacing the abovementioned vessels :

| External identification<br>(Letters + numbers) | Name of vessel   | Radio call<br>sign | Port of<br>registry | Engine power<br>(kW) |
|------------------------------------------------|------------------|--------------------|---------------------|----------------------|
| UNITED KINGDOM                                 |                  |                    |                     |                      |
| BM 148                                         | Margaretha Maria | 2PLE               | Brixham             | 221                  |
| BM 51                                          | Harm Johannes    | 27ZH               | Brixham             | 221                  |
| TH 186                                         | Niblick          | 2GAR               | Brixham             | 221                  |
| BM 180                                         | Arie Dirk        | 2GER               | Brixham             | 177                  |
| BM 22                                          | Ocean Hound      | MKRJ6              | Brixham             | 221                  |
| BM 56                                          | Charmaine M      | 2MCJ               | Brixham             | 221                  |
| BM 261                                         | Susanna D        | GAVZ6              | Brixham             | 220                  |
| BCK 105                                        | Westra           | MBHY               | Buckie              | 171                  |
| TH 106                                         | Mattanga         | GDVZ               | Teignmouth          | 221                  |

## COMMISSION REGULATION (EEC) No 2054/91

of 11 July 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultation within the Advisory Committee in accordance with the abovementioned Regulation,

Whereas :

## A. PROCEEDING

- (1) In April 1990, the Commission received a complaint from the European Council of Chemical Manufacturers' Federations (Cefic) (hereinafter referred to as 'the complainant') on behalf of the only Community producer of dihydrostreptomycin (hereinafter referred to as 'DHS') concerning imports of that product originating in the People's Republic of China and Japan.
- (2) The complaint contained evidence of the existence of dumping and of the resulting major injury, which was sufficient to justify the opening of an investigation. The Commission therefore announced, in a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning the product in question, which falls within CN code 2941 20 10.
- (3) The Commission officially notified the exporters and importers known to be concerned, and also the complainant, of the initiation of the proceeding. It also gave the parties concerned the opportunity to make their views known in writing and request a hearing. The Chinese and Japanese exporters requested and obtained a hearing.
- (4) The Commission requested and received detailed written comments from the Community producer, the exporters, including the Chinese exporters,

namely China National Medicines & Health Products, Import & Export Corporation, Sichuan Branch, Chengdu and Shanghai Fourth Pharmaceutical Works, Shanghai, members of the China National Medicines & Health Products, Beijing, and certain importers. The Commission verified all the information which it considered necessary for a preliminary determination of dumping and conducted on-the-spot checks on the Community producer, Rhône-Poulenc Biochimie, Antony, France, the Japanese producer, Meiji Seika, Tokyo, Japan, and three independent Community importers, Marcel Quarré, Paris, France, Helm AG, Hamburg, German and Siemsglüss und Sohn, Hamburg, Germany.

- (5) The investigation period set by the Commission for determining dumping was from 1 July 1989 to 30 June 1990.

## B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

## 1. Product under consideration and like product

- (6) The product for which the notice of initiation of a proceeding was issued is DHS, an anti-infective obtained by hydrogenating streptomycin, a first-generation antibiotic, used particularly for veterinary purposes and falling within CN code 2941 20 10.
- (7) The DHS exported by Chinese and Japanese producers to the Community and the DHS sold by the Community producer have the same chemical formula,  $C_{42}H_{88}N_{14}O_{36}S_3$ . These DHS are interchangeable. The Commission therefore considered that the DHS produced in the People's Republic of China and Japan on the one hand and in the Community on the other were like products.

## 2. Community industry

- (8) The Commission ascertained that the Community producer on whose behalf the complaint had been submitted manufactured all the Community output of the like product. The Commission therefore

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 186, 27. 7. 1990, p. 33.

considered that this producer constituted the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88

## C. DUMPING

### 1. Normal value

- (9) For the Japanese producer, the normal value was calculated on the basis of the average price charged on the domestic market. All the sales were taken into account, including sales to a customer in which Meiji Seika has a very small holding. These sales were considered to have taken place as normal commercial transactions, since the prices charged were comparable with those charged to other customers. The prices were net of any rebate or discount directly linked with DHS sales.
- (10) As regards the determination of the normal value of DHS from China, the Commission had to take into account the fact that the People's Republic of China does not have a market economy and, therefore, had to find a country which could serve as a reference for calculating the normal value. The complainant had proposed that for this purpose the price of DHS on Japan's domestic market should be taken as a reference, pointing out that Japan was the only market economy country outside the Community where DHS was manufactured and sold. The Chinese exporters contested this choice, referring to the differences between the People's Republic of China and Japan in terms of level of economic development, currencies, and the conditions regarding production costs. The same exporters said that there were other countries which would provide a suitable reference basis. They were unable, however, to back up their statements by giving details of producers in those countries. The Commission had been informed that DHS was produced in Hong Kong but the Hong Kong authorities said there was no producer of DHS there and so any DHS coming from Hong Kong had actually originated elsewhere. Since there was no alternative, the Commission had provisionally to use Japan as reference country.
- (11) The investigation revealed, however, that the price charged on Japan's domestic market did not represent the right basis. The Japanese producer has a monopoly on his domestic market, and the result is that prices are very high, since profit is not subject to the constraints of competition. It would there-

fore be unreasonable to make Chinese exporters bear the consequences of this particular economic situation in Japan.

- (12) On the other hand, Japan's production costs are not affected by this monopoly. The Commission therefore considered it appropriate to base the normal value for the People's Republic of China on the constructed normal value in Japan.
- (13) Meiji Seika's profit margin was exceptional, owing to the special situation of the Japanese market. The Commission therefore estimated the profit margin on the basis of the level considered to be normal in this sector, in view of the fact that DHS is a first-generation, hence already old, antibiotic. The margin estimated in this way was 5 %.
- (14) Some of the raw materials used in manufacturing Japanese DHS originate in the People's Republic of China. The investigation showed that the prices invoiced for these transactions bore no relation to the comparable costs of the only other producer in the world (Rhône-Poulenc).
- (15) The Commission therefore considered it reasonable to adjust the constructed normal value to take account of the fact that Japanese producers buy these raw materials at a price which is lower than their production cost in a market economy.

### 2. Export price

- (16) The ex-works export price of DHS exported by the Japanese producer was determined on the basis of the prices actually paid or payable for all the export sales to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales in question.

The ex-works export price of DHS exported by Chinese producers was determined by the same method. The adjustments required to determine the price at ex-works level were estimated on the basis of the Japanese producer's ancillary costs.

## D. COMPARISON

- (17) The comparison between normal value and export price was made on the basis of the ex-works level for the export price on a transaction-by-transaction basis and for the same stage of marketing. The differences affecting price comparability were taken into consideration in accordance with Articles 2 (9) and 10 of Regulation (EEC) No 2423/88.

- (18) The Japanese producer asserted that the normal value should be adjusted in order to take account of the differences in the conditions of sale on the Community and Japanese markets. He pointed out first of all that he had a monopoly on the Japanese market and that the normal value had to be reduced in order to take account of this lack of competition. The Commission did not feel that this argument was justified. Harmful price differentiation was contrary to Community law and international law, irrespective of the reasons. The monopoly situation in Japan did not in itself determine the level of prices on the domestic market. If the exporter exploited his monopoly in Japan in order to charge higher prices on his domestic market than for export, he must bear the consequences of his freely taken decision. Since it causes major injury to Community industry, there is no reason why price differentiation should escape the application of anti-dumping rules.

Meiji Seika also stated that he sold DHS in smaller quantities to a larger number of customers in the Community than in Japan, and that the normal value should therefore be reduced. However, the possible effects of this situation on costs were not revealed. In the absence of sufficient proof, this request for adjustment was rejected.

- (19) The Chinese producers asserted that their product was less effective than the DHS produced by Japan or the Community and that, as a result of this difference in the physical characteristics, the normal value had to be reduced accordingly. The results of the analyses supplied in support of this request revealed that a 9 % adjustment of the normal value was justified in the light of the differences in the physical characteristics, namely the lesser effectiveness of DHS produced in China, in so far as price comparability could be affected if no adjustment were made.

#### E. DUMPING MARGIN

- (20) Preliminary examination of the facts reveals that exports of DHS by Japanese and Chinese exporters involve dumping. The dumping margins are equal to the difference between the normal values and the export prices. As regards the People's Republic of China, the Commission has taken into account the fact that the exporters were controlled and represented by a single organization and that the Chinese administration was able to influence export prices. Consequently, a uniform dumping margin has been determined for Chinese exports

on the basis of a weighted average. The dumping margins are 76 % of the total cif value at the Community frontier of the imports of DHS from Japan for the Japanese exporter and 47,6 % of the total cif value at the Community frontier of imports of DHS from the People's Republic of China for all Chinese exporters.

#### F. INJURY

##### (a) *Total consumption, market volume and share*

- (21) DHS consumption in the Community fell from an index 100 <sup>(1)</sup> in 1985 to an index 81 over the investigation period.

Imports of DHS from Japan declined by 51 % between 1985 and the investigation period. Consequently, their market share dropped from an index 100 in 1985 to an index 52 during the investigation period.

DHS imports from the People's Republic of China increased by 1 450 % between 1985 and the investigation period. Their market share therefore rose from an index 100 in 1985 to an index 1 500 over the investigation period.

Sales by the Community industry fell from an index 100 in 1985 to an index 83 over the investigation period and their market share dropped from an index 100 to an index 87 over the same period. Sales by Community industry have therefore declined significantly.

##### (b) *Prices*

- (22) In order to assess the degree of price undercutting, the Commission considered the ex-works selling price of DHS produced by the Community industry and the cif prices following customs clearance of DHS imported from the People's Republic of China and Japan. The prices considered at these marketing stages have been judged comparable without any adjustments having to be made.
- (23) It has emerged from comparison of these prices that producers in the People's Republic of China charged prices 33 % lower than Community prices, after account had been taken of the 9 % difference in the effectiveness of the DHS from China. The prices charged by the Japanese producer were not any lower than the Community producer's prices.

<sup>(1)</sup> The information concerning injury is given in the form of indices, for reasons of confidentiality.

- (24) The Community industry's selling prices fell from an index 100 in 1985 to an index 89 during the investigation period.

*(c) Other economic factors to be taken into consideration*

- (25) The Commission ascertained that while the Community industry's production capacity had remained constant, its utilization rate had fallen from an index 100 in 1985 to an index 70 during the investigation period. At the same time stocks had risen from an index 100 to an index 160.

The indices for the value and volume of the Community industry's sales fell from an index 100 in 1985 to indices 70 and 84 respectively over the investigation period. Profits also showed an unfavourable trend, since the profits of 1985 gave way to negative figures in 1987 and the lowest level was reached during the investigation period. The return on investment followed the same pattern. The level of employment fell from an index 100 in 1985 to an index 91 during the investigation period.

*(d) Conclusion*

- (26) The Community industry has undergone a drop in sales, prices and utilization of its production capacity and a deterioration in its financial results. Its economic situation is therefore precarious and it is consequently suffering major injury.

**G. CAUSAL LINK BETWEEN THE DUMPED IMPORTS AND THE INJURY**

*(a) Cumulative effect*

- (27) The Commission looked into the matter of whether the effects of the imports from Japan and China should be analysed on a cumulative basis. Assessment of the cumulative effects of imports from a number of countries is required where the products imported and Community production are in competition, where there is a significant level of imports and where the conduct of the various exporters on the Community market is comparable. In those circumstances, each exporter country is seen to have contributed to the injury and a comprehensive approach is therefore justified.
- (28) In this case, the exporters' conduct differs widely. The Chinese exporters adopted an aggressive attitude, charging prices very much lower than the Community market prices, in order to acquire a

substantial part of the Community market. The Japanese producer, although he had reduced his prices as a reaction to the Chinese exporters' conduct, in turn lost major shares of the Community market as a result of the Chinese producer's practices, but he did not at any time charge prices lower than the Community industry's prices and therefore charged prices much higher than those charged by the Chinese exporters. The Commission therefore concluded that the effects of the imports from China and the imports from Japan should not be considered on a cumulative basis.

*(b) Cause and effect*

- (29) The Commission endeavoured to ascertain the extent to which the injury suffered by the Community industry had been caused by the dumping by Chinese and Japanese exporters. It noted that the reduction in market shares and the reduction in the Community industry's profit margin coincided with the increase in the volume of DHS imports from the People's Republic of China. The volume of imports of DHS from Japan had considerably declined, however, as had the volume of the Community producer's sales.
- (30) Furthermore, Chinese exporters, owing to the size of their market shares and the fact that their prices were low, placed heavy downward pressure on the level of DHS prices in the Community and consequently on the level of the Community producer's prices. All the price-undercutting recorded stems from the wide dumping margin. Since the price level is a determining factor in the decision to buy, the extremely low price of DHS from China had become the reference price on the Community market. Chinese exporters therefore prevented the Community industry from keeping its prices at a suitable level, thereby causing a substantial deterioration in its financial situation.
- (31) The conduct of the Japanese exporter did not play any role in the process of lowering prices. He did not charge prices lower than the Community industry's prices, and his limited market share only declined. The prices of DHS from Japan merely evolved in line with the Chinese producer's price, while remaining at a significantly higher level. The drop in the level of the Japanese exporter's prices is not a reason for the drop in the Community producer's prices, but is only a consequence of the drop in the Chinese producer's prices. The Commission therefore considers that imports of the Japanese product, although they involved dumping, did not cause any injury to the Community industry.

- (32) The Chinese exporters alleged that the injury suffered by the Community industry had been caused by the drop in DHS consumption in the Community and also that it was not an objective assessment of the facts but a partial view of the Community producer's economic situation. The Commission notes, however, that while the fall in consumption could possibly explain some of the drop in production and sales, it does not in any way explain the drop in market share and prices, and the effects on the Community producer's profit margin. The Commission did not ascertain during the investigation any factor which showed or seemed likely to show that the Community producer's management could have contributed to the injury suffered.

- (33) There are no significant quantities of DHS imported from other countries which could give rise to the injury suffered by the Community industry. The pattern of the Community producer's exports has not contributed to the injury.

- (34) The Commission therefore notes that dumping by exporters of DHS in the People's Republic of China has caused major injury to the Community industry.

Furthermore, there is no sign at this stage of the proceeding to suggest that imports of DHS from Japan have caused or contributed to the injury suffered by the Community industry.

#### H. DUTY

- (35) In the absence of a causal link between imports of DHS from Japan and the injury suffered by the Community industry, it is not necessary to apply anti-dumping measures to Japan. Measures are, however, needed in the case of imports from China.
- (36) In order to determine the measures required to counter the harmful effects of dumping by Chinese exporters, the Commission examined, in accordance with Article 13 (3) of Regulation (EEC) No 2423/88, whether it would be excessive to fix the duty at the level of the dumping margin. Such a level would be excessive if it exceeded the level required for eliminating the injury. The Commission noted in that respect that the Community industry had suffered a considerable market loss and that its profits had been obliterated by the invasion of imports from China. It should be noted that if the prices of the Chinese product were

increased to the extent of the dumping margin the increase would still be less than the amount by which the Community industry would have to raise its prices in order to eliminate the injury and restore its viability under normal market conditions. Imposition of a duty of the same amount as the dumping margin would therefore not be excessive, since a lower duty would not be sufficient to remove the injury, and is consequently fully justified pursuant to Article 13 (3) of Regulation (EEC) No 2423/88.

#### I. COMMUNITY INTEREST

- (37) It is nevertheless advisable to examine whether it would be in the Community's interests to impose a duty.

##### (a) *General considerations*

- (38) The aim of the anti-dumping duties is to eliminate the dumping which is causing injury to the Community industry and to restore fair competition in the general interest.
- (39) Although the imposition of anti-dumping duties could affect the level of the prices charged by exporters in the Community and so have an influence on the relative competitiveness of their products, these measures are not intended to reduce competition on the Community market. On the contrary, the removal of the advantages unduly acquired by dumping is intended to prevent the decline of Community industry and so help maintain and promote a healthy economic situation.

##### (b) *Considerations specific to this case*

- (40) In order to determine whether it is in the Community's interests to take measures against dumped imports of DHS from the People's Republic of China and Japan, the Commission had to consider that fact that the Community industry comprised only one producer.
- (41) Exporters and some importers have in this respect asserted that the imposition of anti-dumping duties could eliminate from the market DHS of Chinese and Japanese origin and create a monopoly or dominant position for the Community producer. This fear does not, however, appear to be justified. The imposition of anti-dumping duties is not intended to eliminate exporters from the Community market. The duties are in any event set at a level which enables dumping, or even only the harmful effects of dumping, to be eliminated.

Furthermore, since the Japanese producer has not contributed to the injury, the imposition of a duty does not concern him at this stage. He should therefore stay on the Community market on the present terms, and if he stays this should help maintain competition on the market.

- (42) On the contrary, the halting of Community production of DHS, which might well happen if the present situation were to continue, would have a potential risk for the end-users' security of supply and would reduce the number of DHS suppliers on the Community market. The possible disadvantage of an immediate increase in the price of imports as a result of the imposition of anti-dumping duty would therefore be offset by the benefits of maintaining a viable Community industry and healthy, fair competition.
- (43) Furthermore, if dumping, which is an unfair practice, were to cause Community production to be stopped, this would result in additional job losses in an industrial area already affected by rising unemployment.
- (44) DHS serves mainly in the manufacture of veterinary medicines which are widely used in livestock production, owing to their low cost. DHS is, however, only one of the components making up the production cost of these medicines. The imposition of an anti-dumping duty on DHS imports will result in only a marginal increase in the price of these medicines for the users, and the increase will be too small to deter these users.
- (45) Lastly, assessment of the seriousness of the injury suffered by the Community industry suggests that action has to be taken to defend the Community's interests in order to prevent injury from being caused during the proceeding.

(c) *Conclusion*

- (46) The Commission therefore considers that the imposition of anti-dumping duties is likely to enable the injury suffered by the Community industry to be eliminated without any other really harmful effects. The Community's interests reasonably demand that the Community industry be defended against the Chinese exporters' unfair trading practices. It is therefore necessary to intro-

duce a provisional anti-dumping duty on DHS imports from the People's Republic of China.

- (47) The parties concerned are given time in which to make known their views and request a hearing. All the conclusions set out for the purposes of this Regulation are provisional and may be reconsidered if a definitive duty needs to be imposed on the basis of a Commission proposal,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of dihydrostreptomycin falling within CN code 2941 20 10 and originating in the People's Republic of China.
2. The rate of duty, applicable to the free-at-Community-frontier net price prior to customs clearance, shall be 47,6 %.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

*Article 2*

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

*Article 3*

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

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

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

Done at Brussels, 11 July 1991.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## COMMISSION REGULATION (EEC) No 2055/91

of 12 July 1991

amending Regulation (EEC) No 2640/88 laying down detailed rules for the implementation of the system of aid for the use in winemaking of concentrated grape must and rectified concentrated grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 1734/91 <sup>(2)</sup>, and in particular Articles 45 <sup>(9)</sup> and 47 <sup>(3)</sup> thereof,

Whereas compulsory distillation plays an essential role in achieving balance on the market for table wine and indirectly in structurally adjusting winegrowing potential to needs; whereas, therefore, it is essential that it be most strictly applied and that all producers concerned actually deliver the quantities which correspond to their distillation obligations;

Whereas it is necessary to specify the obligations under Commission Regulation (EEC) No 3105/88 of 7 October 1988 laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2425/90 <sup>(4)</sup>, and Commission Regulation (EEC) No 441/88 of 17 February 1988 laying down detailed rules for applying compulsory distillation as referred to in Article 39 of Regulation (EEC) No 822/87 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2270/90 <sup>(6)</sup>, which must be fulfilled in order to be eligible for the measures provided for in Council Regulation (EEC) No 2640/88 <sup>(7)</sup>, as amended by Regulation (EEC) No 85/90 <sup>(8)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 (2) of Regulation (EEC) No 2640/88 is hereby replaced by the following:

'2. In accordance with Article 47 (1) of Regulation (EEC) No 822/87, producers who in the wine year preceding that in question were subject to the obligations laid down in Articles 35, 36 or 39 of that Regulation shall be eligible for the measures provided for in this Regulation only where they submit proof that they have fulfilled their obligations in respect of delivery or withdrawal under supervision in the reference periods laid down in Commission Regulations (EEC) No 3105/88 <sup>(\*)</sup> and (EEC) No 441/88 respectively.

<sup>(\*)</sup> OJ No L 277, 8. 10. 1988, p. 21.'

*Article 2*

This Regulation shall enter into force on 1 September 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 6.

<sup>(3)</sup> OJ No L 277, 8. 10. 1988, p. 21.

<sup>(4)</sup> OJ No L 228, 22. 8. 1990, p. 8.

<sup>(5)</sup> OJ No L 45, 18. 2. 1988, p. 15.

<sup>(6)</sup> OJ No L 204, 2. 8. 1990, p. 35.

<sup>(7)</sup> OJ No L 236, 26. 8. 1988, p. 20.

<sup>(8)</sup> OJ No L 11, 13. 1. 1990, p. 17.

**COMMISSION REGULATION (EEC) No 2056/91**

of 12 July 1991

**amending Regulation (EEC) No 2641/88 laying down detailed rules for the application of the aid scheme for the use of grapes, grape must and concentrated grape must to produce grape juice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 1734/91 <sup>(2)</sup>, and in particular Articles 46 (5) and 47 (3) thereof,

Whereas compulsory distillation plays an essential role in achieving balance on the market for table wine and indirectly in structurally adjusting wine growing potential to needs; whereas, therefore, it is essential that it be most strictly applied and that all producers concerned actually deliver the quantities which correspond to their distillation obligations;

Whereas it is necessary to specify the obligations under Commission Regulation (EEC) No 3105/88 of 7 October 1988 laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2425/90 <sup>(4)</sup>, and Commission Regulation (EEC) No 441/88 of 17 February 1988 laying down detailed rules for applying compulsory distillation as referred to in Article 39 of Regulation (EEC) No 822/87 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2270/90 <sup>(6)</sup>, which must be fulfilled in order to be eligible for the measures provided for in Commission Regulation (EEC) No 2641/88 <sup>(7)</sup>, as amended by Regulation (EEC) No 85/90 <sup>(8)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 (2) of Regulation (EEC) No 2641/88 is hereby replaced by the following:

'2. In accordance with Article 47 (1) of Regulation (EEC) No 822/87, producers who in the wine year preceding that in question were subject to the obligations laid down in Articles 35, 36 or 39 of that Regulation shall be eligible for the measures provided for in this Regulation only where they submit proof that they have fulfilled their obligations in respect of delivery or withdrawal under supervision in the reference periods laid down in Commission Regulations (EEC) No 3105/88 <sup>(\*)</sup> and No 441/88 respectively.

<sup>(\*)</sup> OJ No L 277, 8. 10. 1988, p. 21.'

*Article 2*

This Regulation shall enter into force on 1 September 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.  
<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 6.  
<sup>(3)</sup> OJ No L 277, 8. 10. 1988, p. 21.  
<sup>(4)</sup> OJ No L 228, 22. 8. 1990, p. 8.  
<sup>(5)</sup> OJ No L 45, 18. 2. 1988, p. 15.  
<sup>(6)</sup> OJ No L 204, 2. 8. 1990, p. 35.  
<sup>(7)</sup> OJ No L 236, 26. 8. 1988, p. 20.  
<sup>(8)</sup> OJ No L 11, 13. 1. 1990, p. 17.

## COMMISSION REGULATION (EEC) No 2057/91

of 12 July 1991

suspending customs duties applicable to vinous alcohol from Spain intended for use as motor fuel within the Community under special sales by tender

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

Having regard to the Act of Accession of Spain and Portugal and in particular point (b) of the second subparagraph of Article 75 (4) thereof,

Whereas, under the programme for the disposal of stocks of vinous alcohol obtained from the Community distillation operations referred to in Article 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine<sup>(1)</sup>, as last amended by Regulation (EEC) No 1734/91<sup>(2)</sup>, and held by intervention agencies, sales by tender of lots of alcohol for use as motor fuel within the Community have been opened; whereas these result in exports from Spain to other Member States; whereas the lots exported are subject to residual customs duties which are unjustified in view of the end-use of the alcohol sold; whereas these duties should be suspended in full in order to facilitate disposal, given Spain's undertaking to ensure the reciprocity laid down in Article 75 of the Act of Accession of Spain and Portugal for the suspension of residual customs duties in the event of a decision being taken to open a Community tendering procedure involving the export of vinous alcohol to Spain from the other Member States;

Whereas it should be specified that control of the end-use must be carried out in accordance with Commission

Regulation (EEC) No 4142/87 of 9 December 1987 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use<sup>(3)</sup>, as amended by Regulation (EEC) No 3124/89<sup>(4)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The customs duties applicable to vinous ethyl alcohol obtained in Spain from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and intended for use as motor fuel within the Community under special sales by tender, are hereby suspended.

Control of the intended use shall be carried out in accordance with Regulation (EEC) No 4142/87.

*Article 2*

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

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 6.

<sup>(3)</sup> OJ No L 387, 31. 12. 1987, p. 81.

<sup>(4)</sup> OJ No L 301, 19. 10. 1989, p. 10.

## COMMISSION REGULATION (EEC) No 2058/91

of 12 July 1991

laying down further transitional measures to support the beef market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Whereas the period fixed in Article 90 of the Act of Accession was extended to 31 December 1991 by Council Regulation (EEC) No 3836/90<sup>(1)</sup>;

Whereas, in the beef sector, a proportion of production cannot be absorbed on the Spanish market owing to low internal demand for such products and can be disposed of on other markets only with difficulty in view of the time necessary to adjust the trade structures to the opening of the market; whereas this situation has created economic difficulties for producers in Spain through the substantial price deteriorations recorded in the last few months; whereas those difficulties are sufficiently serious to warrant the introduction of transitional measures with a view to improving the situation of the market for beef in Spain;

Whereas, in order to be effective, such transitional measures should involve the buying in at fixed prices of all products in the beef sector in accordance with the conditions laid down in Title I, Section I, and Titles II and III of Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector<sup>(2)</sup>, as last amended by Regulation (EEC) No 1792/91<sup>(3)</sup>; whereas, in order to ensure the gradual adaptation of the Spanish market to the conditions obtaining on the Community market, the buying-in price should be linked to the maximum price fixed under the normal intervention scheme;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The Spanish intervention agency mentioned in Annex V to Regulation (EEC) No 859/89 shall buy in carcasses, half-carcasses, forequarters or hindquarters of adult bovine animals as described in Annex III to that Regulation up to a maximum of 8 000 tonnes during the period 15 July to 14 September 1991.

2. For each of the taking-over periods under the scheme for buying by tender referred to in Article 2 (b) of Regulation (EEC) No 859/89, the buying-in price per 100 kilograms of carcase or half-carcasses in category A and quality class R3 shall be an amount equal to the maximum price laid down under the tendering procedures less ECU 2. The prices of the other eligible qualities shall be arrived at using the coefficients set out in Annex IV to that Regulation.

3. The prices for forequarters and hindquarters shall be derived from the carcase price using the coefficients 0,80 and 1,20 respectively for the straight cut and 0,75 and 1,25 respectively for the cut known as 'pistola'.

4. The Spanish intervention agency shall buy in products offered under the conditions laid down in Title 1, Section I, and in Titles II and III of Regulation (EEC) No 859/89.

5. The intervention agency shall pay between the 45th and 60th day following that of takeover for products bought in.

*Article 2*

This Regulation shall enter into force on 15 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 367, 29. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 91, 4. 4. 1989, p. 5.

<sup>(3)</sup> OJ No L 160, 25. 6. 1991, p. 31.

## COMMISSION REGULATION (EEC) No 2059/91

of 12 July 1991

amending Regulation (EEC) No 3775/90 laying down transitional measures applicable to trade in certain agricultural products originating in the former German Democratic Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 3775/90<sup>(2)</sup> lays down transitional measures applicable to the export, under specific conditions, of certain agricultural products originating in the former German Democratic Republic;

Whereas, in order to ensure the smooth functioning of trade, the Federal Republic of Germany was authorized, under Article 2 (3) of that Regulation, to extend to 30 June 1991 the validity of export licences and advances fixing refund certificates issued by the authorities of the former German Democratic Republic among other things for products of sheepmeat, pigmeat, beef and veal;

Whereas, in view of importations problems and transport difficulties in the third countries of destination of the above products, the validity of the licences and certificates concerned should be extended to 31 December 1991 in order to make possible the fulfilment of the agreements concluded by the former German Democratic Republic;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraph 4 is added to Article 2 of Regulation (EEC) No 3775/90:

'Germany is authorized to extend to 31 December 1991, on request by the holder, the validity of the export licences and advance fixing refund certificates issued by the authorities of the former German Democratic Republic for products of the sheepmeat, pigmeat and beef and veal sectors.'

*Article 2*

The second subparagraph of Article 3 of Regulation (EEC) No 3775/90 is amended as follows:

'It shall apply until 30 June 1991. With regard to authorization to extend the validity of export licences and advance fixing refund certificates, Article 2 (4) shall apply until 31 December 1991.'

*Article 3*

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

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(2)</sup> OJ No L 364, 28. 12. 1990, p. 2.

## COMMISSION REGULATION (EEC) No 2060/91

of 12 July 1991

derogating with regard to the period for the submission of applications in Greece for the 1991 marketing year from Regulation (EEC) No 3007/84 laying down detailed rules for the application of the premium for producers of sheepmeat

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91<sup>(2)</sup>, and in particular Article 15 (9) thereof,

Whereas Article 3 (2) of Commission Regulation (EEC) No 3007/84<sup>(3)</sup>, as last amended by Regulation (EEC) No 288/91<sup>(4)</sup>, stipulates that the period for the submission of application ends on 30 April of each marketing year at the latest;

Whereas, as a result of administrative difficulties in Greece, payment of all the premiums in respect of applications submitted for the 1991 marketing year will not be possible within the period laid down by the abovementioned provision; whereas that period should therefore be extended by way of a derogation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 3 (2) of Regulation (EEC) No 3007/84 Greece is hereby authorized, for applications made for the 1991 marketing year, to extend the period for the submission of applications to 31 July.

*Article 2*

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

It shall apply with effect from 1 May 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.

<sup>(3)</sup> OJ No L 283, 27. 10. 1984, p. 28.

<sup>(4)</sup> OJ No L 35, 7. 2. 1991, p. 12.

## COMMISSION REGULATION (EEC) No 2061/91

of 12 July 1991

amending Regulation (EEC) No 1546/88 laying down detailed rules for the application of the additional levy referred to in Article 5c of Council Regulation (EEC) No 804/68

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91<sup>(2)</sup>, and in particular Article 5c (7) thereof,

Whereas Council Regulation (EEC) No 1636/91<sup>(3)</sup> establishing, for the period 1 April 1991 to 31 March 1992, the Community reserve for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68, fixed this reserve at 2 082 885,740 tonnes; whereas, for the same reason, this should be distributed on the same basis as for the seventh period, with the exception of an additional allocation to Luxembourg of 1 000 tonnes from the 600 000 tonnes to be allocated pursuant to Article 3a of Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector<sup>(4)</sup>, as last amended by Regulation (EEC) No 1639/91<sup>(5)</sup>, in order to take account of the higher proportion in that Member State of producers benefiting from these provisions thus amended;

Whereas the consequences of the aforementioned amendment should be drawn as regards the detailed rules for application laid down in Commission Regulation (EEC) No 1546/88<sup>(6)</sup>, as last amended by Regulation (EEC) No 559/91<sup>(7)</sup>;

Whereas the eighth period of application of the additional levy scheme falls within a leap year; whereas, as a result, there is no equivalence between the reference quantities, calculated over 365 days, and the quantities actually supplied, purchased or sold during this period; whereas, therefore, in order to re-establish this equivalence, the

quantities subject to the additional levy should be reduced by one day in the month of February 1992;

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

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EEC) No 1546/88 is hereby amended as follows:

1. the following subparagraph is added to Article 1:

'For the period 1 April 1991 to 31 March 1992, the Community reserve referred to in Article 5c (4) of Regulation (EEC) No 804/68 shall be distributed as follows:

(a) 443 000 tonnes distributed as follows:

|                                      |                 |
|--------------------------------------|-----------------|
| — Spain                              | 50 000 tonnes,  |
| — Ireland                            | 303 000 tonnes, |
| — Luxembourg                         | 25 000 tonnes,  |
| — United Kingdom                     |                 |
| (for the region of Northern Ireland) | 65 000 tonnes;  |

(b) 600 000 tonnes are to be distributed pursuant to Article 3a of Regulation (EEC) No 857/84 in proportion to the requests notified to the Commission pursuant to Article 19 (4) and recognized as being in conformity with Article 3a of Regulation (EEC) No 857/84 and Article 3a of this Regulation.

This quantity shall be distributed as follows:

|                  |                 |
|------------------|-----------------|
| — Belgium        | 6 574 tonnes,   |
| — Denmark        | 9 620 tonnes,   |
| — Germany        | 161 046 tonnes, |
| — France         | 64 027 tonnes,  |
| — Ireland        | 117,958 tonnes, |
| — Luxembourg     | 1,674 tonnes,   |
| — Netherlands    | 47,886 tonnes,  |
| — United Kingdom | 191 215 tonnes; |

(c) 1 039 885,740 tonnes shall be distributed in accordance with Article 3b (1) of Regulation (EEC) No 857/84 to producers determined with the Commission's approval and in accordance with paragraph 2 of that Article.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 19.

<sup>(3)</sup> OJ No L 150, 15. 6. 1991, p. 29.

<sup>(4)</sup> OJ No L 90, 1. 4. 1984, p. 13.

<sup>(5)</sup> OJ No L 150, 15. 6. 1991, p. 35.

<sup>(6)</sup> OJ No L 139, 4. 6. 1988, p. 12.

<sup>(7)</sup> OJ No L 62, 8. 3. 1991, p. 25.

This quantity shall be distributed as follows :

|                  |             |           |
|------------------|-------------|-----------|
| — Belgium        | 32 100      | tonnes,   |
| — Denmark        | 48 820      | tonnes,   |
| — Germany        | 234 230     | tonnes,   |
| — Greece         | 5 370       | tonnes,   |
| — Spain          | 46 500      | tonnes,   |
| — France         | 256 340     | tonnes,   |
| — Ireland        | 52 800      | tonnes,   |
| — Italy          | 87 980      | tonnes,   |
| — Luxembourg     | 2 650       | tonnes,   |
| — Netherlands    | 119 790     | tonnes,   |
| — United Kingdom | 153 295,740 | tonnes.'; |

2. in Article 3a :

- in the second subparagraph of paragraph 2 'before 29 August 1989' is replaced by 'before 30 November 1991',
- in the first subparagraph of paragraph 3 'before 29 March 1991' is replaced by 'before 29 March 1991 or, as the case may be, 1 July 1993' ;

3. in the second and third subparagraphs of Article 7a 'Community reserve' is replaced by 'national rserve' ;

4. in point 2 of Article 13 'the fourth period' is replaced by 'the fourth or eighth period' and '1988' is replaced by '1988 or 1992 ;

5. in Article 19 (4) :

- in the second indent 'before 29 September 1989' is replaced by 'before 29 September 1989 or, as the case may be, 1 January 1992',
- in the fourth indent 'before 29 June 1991' is replaced by 'before 29 June 1991 or, as the case may be, 1 October 1993' and 'the Community reserve' is replaced by 'the national reserve',
- in the fifth indent 'the Community reserve' is replaced by 'the national reserve'.

#### *Article 2*

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

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 2062/91

of 12 July 1991

providing for the partial release of minimum stocks in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91 <sup>(2)</sup>, and in particular Article 12 (3) thereof,

Whereas in order to ensure normal supplies to the Community as a whole or to one of its areas, there is a standing obligation, in the European territories of the Community, for minimum stocks to be maintained by each sugar producing undertaking or sugar refinery;

Whereas Article 1 of Council Regulation (EEC) No 1789/81 of 30 June 1981 laying down general rules concerning the system of minimum stocks in the sugar sector <sup>(3)</sup>, fixed the level of minimum stocks to be held, as the case may be, at 5 % of the actual production within the A quota or 5 % of the quantity of sugar refined during the 12 months preceding the month in question;

Whereas by virtue of Article 12 (1) of Regulation (EEC) No 1785/81 this percentage may be reduced; whereas Article 4 of Regulation (EEC) No 1789/81 lays down that where the supplies of sugar required by the Community can no longer be ensured under normal conditions, provision may be made for the person concerned to be released, in whole or in part, from the obligation to stock the sugar in question;

Whereas examination of the current supply situation in the Community reveals a significant increase in consumption for the 1990/91 marketing year by comparison with the level forecast in the corresponding sugar balance; whereas this development has been reinforced by a carry over of consumption to the beginning of the new 1991/92 marketing year as a consequence of the low temperatures

that have persisted for several weeks; whereas pressure on prices has moreover been registered in several regions of the Community due to strong demand and the growing scarcity of supplies; whereas the bad climatic conditions which prevailed in particular during the period of beet germination required re-sowing in some Community regions which will lead to a delay of several weeks for the new production; whereas it is proving to be the case, as a consequence, that the supplies required by the Community can no longer be ensured under normal conditions and that it is desirable to release that part of the minimum stocks necessary for this purpose by reducing in an appropriate manner the said level for the period needed to allow the majority of the Community sugar producing undertakings to await the new 1991/92 production for the replenishment of minimum stocks to their traditional level.

Whereas this Regulation should enter into force from 1 July 1991 because of the urgent nature of its implementation and the mechanism of the compensation system for storage costs in the sugar sector;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The percentages referred to in points (a) and (b) of Article 1 of Regulation (EEC) No 1789/81 are hereby reduced to 3 % for the period 1 July to 30 November 1991.

*Article 2*

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

It shall apply with effect from 1 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 54, 28. 2. 1991, p. 22.

<sup>(3)</sup> OJ No L 177, 1. 7. 1981, p. 39.

**COMMISSION REGULATION (EEC) No 2063/91****of 12 July 1991****adopting interim protective measures regarding applications for STM licences  
for trade with Spain in beef and veal**

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

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

Whereas Commission Regulation (EEC) No 3690/90 of  
19 December 1990 laying down detailed rules for the  
application of the supplementary trade mechanism to  
trade in the beef and veal sector between the Community  
as constituted on 31 December 1985 and Spain<sup>(1)</sup> fixes in  
particular the indicative ceilings applicable to beef and  
veal and the maximum quantities for which STM licences  
may be issued each quarter;

Whereas Article 85 (1) of the Act of Accession makes  
provision for the Commission to take interim protective  
measures necessary where an examination of the trend in  
intra-Community trade shows a significant increase in  
imports carried out or foreseeable in the current year or  
part thereof;

Whereas an examination of licence applications shows  
that the quantities applied for are likely to bring about a  
serious disturbance of the Spanish market; whereas there-  
fore further certificates could be issued for the time being,

HAS ADOPTED THIS REGULATION:

*Article 1*

For fresh and refrigerated beef and veal:

1. the issuing of STM licences in response to applications  
submitted from 8 July 1991 is suspended for the time  
being;
2. further applications may be submitted from 22 July  
1991.

*Article 2*

This Regulation shall enter into force on 15 July 1991.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 357, 20. 12. 1990, p. 27.

## COMMISSION REGULATION (EEC) No 2064/91

of 12 July 1991

fixing the maximum buying-in price and the quantities of beef bought in for the  
49th partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,Having regard to the Act of Accession of Spain and  
Portugal and in particular Article 90 thereof,Having regard to Council Regulation (EEC) No 805/68 of  
27 June 1968 on the common organization of the market  
in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 1628/91 <sup>(2)</sup>, and in particular Article 6 (7) thereof,Whereas, pursuant to Commission Regulation (EEC) No  
859/89 of 29 March 1989 laying down detailed rules for  
the application of intervention measures in the beef and  
veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No  
1792/91 <sup>(4)</sup>, an invitation to tender was opened by  
Commission Regulation (EEC) No 1627/89 of 9 June  
1989 on the buying in of beef by invitation to tender <sup>(5)</sup>,  
as last amended by Regulation (EEC) No 1988/91 <sup>(6)</sup>;Whereas, in accordance with Article 11 (1) of Regulation  
(EEC) No 859/89, a maximum buying-in price is to be  
fixed for quality R3, where appropriate, for each partial  
invitation to tender in the light of the tenders received;  
whereas, in accordance with Article 12 of that Regulation,  
only tenders lower than or equal to the maximum price  
are to be accepted, without, however, exceeding the  
average national or regional market price plus ECU 6;  
whereas, however, pursuant to Article 5 of that Regula-  
tion, where the intervention agencies in Member States  
are offered meat in quantities greater than they are able to  
take over forthwith, such intervention agencies may limit  
buying in to the quantities they can take over;Whereas, after the tenders submitted for the 49th partial  
invitation to tender have been examined and taking  
account, pursuant to Article 6 (1) of Regulation (EEC) No  
805/68, of the requirements for reasonable support of the  
market and the seasonal trend in slaughterings, the  
maximum buying-in price and the quantities which may  
be accepted into intervention should be fixed;Whereas the quantities offered at present exceed the  
quantities which may be bought in; whereas a reducing  
coefficient or, where appropriate depending on thedifferences in prices and the quantities tendered for,  
several reducing coefficients should accordingly be  
applied to the quantities which may be bought in in  
accordance with Article 11 (3) of Regulation (EEC) No  
859/89;

HAS ADOPTED THIS REGULATION:

*Article 1*For the 49th partial invitation to tender opened by Regu-  
lation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at  
ECU 265 per 100 kilograms of carcasses or half-  
carcasses of quality R3,
- tenders in the Netherlands exceeding ECU 262,5  
shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses  
accepted is hereby fixed at 17 868 tonnes; the  
quantities offered are hereby reduced by 80 %  
pursuant to Article 11 (3) of Regulation (EEC) No  
859/89;

(b) for category C:

- the maximum buying-in price is hereby fixed at  
ECU 265 per 100 kilograms of carcasses or half-  
carcasses of quality R3,
- tenders in Northern Ireland exceeding ECU 263,4  
shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses  
accepted is hereby fixed at 6 061 tonnes; the  
quantities offered are hereby reduced by 80 %  
pursuant to Article 11 (3) of Regulation (EEC) No  
859/89;

(c) in the Member States or regions of Member States  
which meet the conditions laid down in the second  
indent of Article 6 (4) of Regulation (EEC) No  
805/68:

- the maximum buying-in price is hereby fixed at  
ECU 249,174 per 100 kilograms of carcasses or  
half-carcasses of quality R3,
- the maximum quantity accepted of carcasses or  
half-carcasses is hereby fixed at 40 558.

*Article 2*

This Regulation shall enter into force on 16 July 1991.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 16.<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.<sup>(4)</sup> OJ No L 160, 25. 6. 1991, p. 31.<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.<sup>(6)</sup> OJ No L 178, 6. 7. 1991, p. 23.

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

Done at Brussels, 12 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 20 June 1991

on the adoption of a programme of Community action on the subject of the vocational training of customs officials (Matthaeus programme)

(91/341/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the establishment of the internal market necessitates a new definition of the role of Community customs officials in ensuring the proper functioning of the Customs Union;

Whereas this role will, in future, focus on the uniform application of customs legislation at the Community's external borders, which is a prerequisite for the execution of the various Community policies governing foreign trade;

Whereas it must be ensured that the abolition of internal borders does not give rise to distortions in competition, deflection of trade or increased risk of fraud; whereas it is

consequently necessary to stimulate intensive and ongoing cooperation at all administrative levels in the customs services with a view to preparing them for working together within the framework of the internal market;

Whereas what is involved is an improvement in the effectiveness of the Customs Union as provided for in Article 9 of the Treaty;

Whereas this improvement will be achieved through optimizing the use of human resources in the Member States and therefore through suitable vocational training;

Whereas the measures taken in this sphere by each of the national administrations are not sufficient to achieve the objective pursued; whereas it is consequently essential to reinforce national efforts through joint action to increase the awareness of customs officials of the increasingly Community dimension of their task and of the need to work together closely;

Whereas a greater awareness of the principles and procedures to be applied in Member States can only increase the degree of harmonization of customs practice within the Community and help to create the necessary climate of mutual confidence;

Whereas the implementation of a large-scale programme of training for customs officials (Matthaeus programme) constitutes one of the most appropriate ways to achieve this result;

<sup>(1)</sup> OJ No C 13, 19. 1. 1991, p. 12.

<sup>(2)</sup> OJ No C 106, 22. 4. 1991, p. 90 and Decision of June 1991 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No C 102, 18. 4. 1991, p. 5.

Whereas the Commission adopted a training programme for 1990 based on the exchange of customs officials between national administrations (pilot project); whereas the aim of this programme was to collect useful material to allow the implementation of a more ambitious training programme extending over several years and supplemented by other training measures;

Whereas the experience acquired during the pilot project showed the need for officials to be operational in their workplace; whereas this requirement will be met only if the exchange officials have sufficient knowledge of the language of the host country; whereas, for this purpose, it is essential that the national administrations organize intensive language courses for their officials who are likely to participate in the Mattheus programme; whereas these courses must be of an ongoing nature and cover all the official Community languages;

Whereas courses in the less widely-spoken Community languages may be organized in the Member State concerned by the Commission with the assistance of the customs administration of that Member State;

Whereas, equally, the essential requirement of making customs officials operational in the host services can be achieved only if exchange officials are able to perform the formalities involved in the duties entrusted to them; whereas this condition should be subject to certain restrictions in order to take account of the specific requirements of the legal system of each Member State; whereas it should, consequently, be ensured that exchange officials have the same legal status as national officials where, in performing their duties, their civil liability is put at issue by a third party; whereas in these circumstances it appears necessary for exchange officials to be bound by the same rules of professional secrecy as national officials;

Whereas the number of officials undergoing an exchange must, as far as possible, be increased each year on the basis of the number of places available;

Whereas training measures supplementary to the exchange of customs officials between administrations are essential to the achievement of the objective sought; whereas these measures may involve training seminars and the implementation of common training programmes to be taught in Member States' customs schools; whereas consideration must also be given to the creation of a joint training centre for customs officials of the Community;

Whereas seminars form an ideal forum for the exchange of ideas between Community customs officials; whereas, in these seminars, suggestions may emerge which could

improve the legal instruments in force and harmonize work methods in each administration;

Whereas the said seminars should concern those customs officials who belong, as far as may be required, to all categories and especially trainers in customs schools, officials responsible for implementing Community law and officials responsible for combating all types of fraud;

Whereas the establishment of common training programmes constitutes a suitable means of providing officials with identical training throughout the Community; whereas these programmes should focus on the teaching of Community law as well as on the study of Community institutions and their foundations, since customs officials will increasingly have to integrate the Community and national aspects of their work;

Whereas the implementation of these common programmes can be accomplished only if Member States provide the necessary facilities on their territories;

Whereas, for the implementation of the Mattheus programme, the sharing of expenses under the programme between the Commission and the Member States should be determined; whereas, consequently, expenses could be shared by assigning those relating to the language training of their officials to the Member States and the travel and subsistence expenses of officials participating in the exchanges and of officials required to attend seminars in Member States other than their own to the Commission;

Whereas it is necessary to ensure the uniform application of this Decision and, for that purpose, to provide for a Community procedure for the enactment of implementing rules; whereas a committee should be set up to provide a forum for close and effective cooperation between the Member States and the Commission in this field;

Whereas this programme covers certain aspects which, to date, have not been included within the customary framework of collaboration and administrative assistance; whereas these aspects of the programme may contribute, in close liaison with the vocational training objectives, to the harmonious development of economic activities throughout the Community,

HAS ADOPTED THIS DECISION:

#### *Article 1*

This Decision establishes the Community action programme for the vocational training of customs officials of national administrations (the Mattheus programme).

*Article 2*

For the purposes of this Decision :

- (a) 'exchange official' shall mean an official of a Member State required to perform the duties entrusted to him in a customs service situated in another Member State ;
- (b) 'host service' shall mean the customs service in which the exchange official is required to perform his duties ;
- (c) 'donor service' shall mean the customs service in which the exchange official normally performs his duties.

*Article 3*

The objectives of the Matthaëus programme shall be :

- (a) to prepare customs officials of Member States for the implications of the internal market with a view to the uniform application of Community regulations at the external borders of the Community ;
- (b) to increase awareness in the customs services that, in the internal market, they will be required to work increasingly on behalf of the Community as a whole ;
- (c) to provide supplementary, adapted vocational training to the greatest possible number of customs officials ;
- (d) to utilize to maximum advantage the know-how of customs services in the Community through greater mobility of staff and thus to improve the management of the Customs Union and the application of the fiscal provisions relating to imports and exports ;
- (e) to stimulate intensive and ongoing cooperation at all levels of the relevant administrations with a view to preparing them for working together within the context of the internal market.

*Article 4*

The Matthaëus programme shall comprise the following training measures :

- (a) exchanges of customs officials between national administrations, in accordance with Article 5 and Annex I ;
- (b) training seminars for customs officials, especially trainers in customs schools, officials responsible for implementing Community law and officials responsible for combating all types of fraud ; details of the way in which these seminars are to be conducted are given in Annex II ;
- (c) the implementation in Member States' customs schools of common vocational training programmes, in accordance with Annex III ;

- (d) the organization of language training courses in the Member States for exchange officials, in accordance with Article 6.

*Article 5*

- 1. Member States shall take the necessary steps to enable exchange officials to be operational in the host service.

To this end, exchange officials shall be authorized to carry out the formalities relating to the duties entrusted to them.

- 2. If circumstances so require, and, in particular, in order to take account of the specific requirements of the legal system of each Member State, the competent authorities in the Member States may limit the authorization referred to in the second subparagraph of paragraph 1.

- 3. During the period of the exchange, the civil liability of the exchange official during the performance of his duties shall be assimilated to that of the national officials in the host service.

- 4. Exchange officials shall be bound by the same rules of professional secrecy as national officials.

*Article 6*

- 1. Member States shall establish language training for their officials who are likely to participate in the exchanges referred to in Article 4 (a).

This training must be of an intensive and ongoing nature. It must cover all official Community languages.

- 2. Acting on its own initiative or at the request of Member States, the Commission may organize language training in the less widely-spoken official languages of the Community in the Member States in which they are used.

*Article 7*

- 1. The expenses arising from the measures taken in Article 4 shall be shared between the Commission and the Member States as provided for in paragraphs 2 and 3.

- 2. The Commission shall pay the travel and subsistence expenses for exchanges of customs officials between national administrations as provided for in Article 4 (a).

The Commission shall also pay the travel and subsistence expenses of officials participating in the seminars referred to in Article 4 (b), when the officials are required to travel to a Member State other than their own.

- 3. Member States shall pay the expenses relating to the language training of their staff as provided for in Article 6.

*Article 8*

The annual budget appropriations for the measures provided for in the programme shall be adopted in the context of the budgetary procedure and in compliance with the relevant financial perspective.

*Article 9*

In carrying out its tasks, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the fourth subparagraph.

*Article 10*

1. The Mattheus programme shall be multiannual.
2. The Commission shall submit an annual report on the implementation of the Mattheus programme to the European Parliament and to the Council.

*Article 11*

Before 1 July 1993, the Commission shall submit a report on the experience acquired in implementing the Mattheus programme to the European Parliament and to the Council, accompanied, if appropriate, by a proposal for its adaptation.

*Article 12*

This Decision shall be applicable from 1 January 1991.

*Article 13*

This Decision is addressed to the Member States.

Done at Luxembourg, 20 June 1991.

*For the Council*

*The President*

R. GOEBBELS

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*ANNEX I***EXCHANGE OF CUSTOMS OFFICIALS BETWEEN NATIONAL ADMINISTRATIONS**

1. The exchange of officials covers : trainers in Member States' customs schools, heads of customs offices, officials responsible for implementing Community law and officials responsible for combating fraud.
2. The exchange of officials is based on the principle of twinning. Twinning consists of the exchange between customs services of a number of officials performing similar duties and tasks.

Exceptions to the twinning rule may be authorized in particular for officials responsible for combating fraud.

3. Exchange officials should have a good knowledge of the language of the country in which the host service is situated.

Exceptions may be made to this rule in duly justified cases.

4. Each Member State will be required to exchange its officials participating in the exchange scheme with all other Member States in the Community.
5. The duration of the exchanges will be fixed taking into account the requirements of the host and donor services as well as the nature of the duties and the grades of the exchange officials.
6. Member States must inform the Commission at regular intervals of the nature of their language training and their expenditure thereon.

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*ANNEX II***TRAINING SEMINARS**

1. **Training seminars for trainers in Member States' customs schools**

These seminars will be organized by the Commission departments in collaboration with the relevant national administrations.

They will cover specific topics to be determined beforehand.

There will be an exchange of views on teaching methods, educational approaches and on the material used, resulting in a closer alignment and improvement of education methods and criteria within the Community.

These seminars may be conducted by university professors, representatives from business circles, national administrations and Community institutions.

2. **Training seminars for officials responsible for implementing Community law and combating fraud**

Officials participating in the seminars will be chosen on the basis of their experience in the field covered.

The topics will cover problems encountered by officials in implementing Community law.

A special place will be devoted to combating fraud.

If the nature of the proposed topics allows, business and university circles may be called to attend or, where appropriate, speak.

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*ANNEX III***Implementation of common vocational training programmes in Member States' customs schools**

1. A common training programme for customs officials will be established according to the procedure laid down in Article 9.

This programme will comprise the study of:

- (a) the European Communities and their foundations;
  - (b) Community customs law;
  - (c) common policies;
  - (d) principles of community taxation policy;
  - (e) certain international organizations (GATT, CCD, etc.).
2. The common training programme will be implemented in the Member States' customs schools. The Member States must provide the necessary facilities for this purpose.
  3. The common programme will be taught over a period of time. Each administration will implement the programme according to its own procedures.
  4. Each customs school will decide on the time to be allocated to the various subjects envisaged in the light of its particular requirements.
  5. The educational material of each customs school may be made available to other schools.  
The Commission may also provide educational material for the customs schools, should the need arise.
  6. Trainers will be required to give instruction in the customs schools of several Member States. Using its officials, the Commission will also participate in the teaching of certain disciplines.
  7. Specific common further training and specialized programmes will be prepared according to the procedure laid down in Article 9. These programmes will be for those officials who already have professional experience.
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## COUNCIL DIRECTIVE

of 20 June 1991

amending Directive 83/643/EEC on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States

(91/342/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Directive 83/643/EEC <sup>(4)</sup>, as amended by Directive 87/53/EEC <sup>(5)</sup>, contains a set of measures designed to reduce waiting time for carriers of goods crossing internal Community frontiers;

Whereas Article 8a of the Treaty provides for the progressive establishment, over a period expiring on 31 December 1992, of an internal market comprising an area without internal frontiers in which the free movement of goods, *inter alia*, is ensured;

Whereas, pending the removal of internal frontiers, it is possible to make further early progress in simplifying and speeding up intra-Community movement of goods;

Whereas the principle stated in Directive 83/643/EEC that inspections should be carried out by means of spot checks except in duly justified circumstances applies only to physical inspections; whereas experience has shown that it is desirable to cut waiting time at frontiers to a minimum by defining the terms 'inspection', 'formalities' and lay down conditions for carrying out spot checks;

Whereas, in particular under the Community transit arrangements, operators may initiate the transit procedure inside the Member State of departure and/or opt for the release of the goods for home use or their entry for another procedure at a point inside the Member State of destination; whereas in this context the centralization of

different controls in a single place pursuant to Directive 83/643/EEC will improve the situation at frontiers only if it takes place preferably at the point of departure or destination of the goods, without prejudice to the operator's freedom of choice;

Whereas the minimum business hours of major inspection offices inside Member States should be extended in order to facilitate the completion of controls and formalities at the place of departure or destination of goods,

HAS ADOPTED THIS DIRECTIVE:

## Article 1

Directive 83/643/EEC is hereby amended as follows:

1. the following paragraph shall be added to Article 1:

‘3. For the purposes of this Directive:

- “inspection” means the carrying out by customs or any other supervisory department of an operation which consists of the physical examination, including visual inspection, of the means of transport and/or the goods themselves with the aim of checking that their nature, origin, state, quantity or value conform to the particulars given in the documents which have been presented,
- “formalities” means any formality imposed on operators by the administration, consisting in the presentation or examination of documents and certificates accompanying goods or other particulars, irrespective of form or medium, relating to the goods or means of transport.’;

2. Article 2 shall be replaced by the following:

## Article 2

1. Member States shall take the necessary measures to ensure that in the course of any carriage operation the various inspections and formalities are carried out with the minimum of delay necessary and:

- as far as possible, in one place, preferably the place of departure and/or destination of the goods,
- with the inspections being carried out by means of spot checks, except in duly justified circumstances.

<sup>(1)</sup> OJ No C 204, 15. 8. 1990, p. 15.

<sup>(2)</sup> OJ No C 19, 28. 1. 1991, p. 81 and Decision of 12 June 1991 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No C 69, 18. 3. 1991, p. 8.

<sup>(4)</sup> OJ No L 359, 22. 12. 1983, p. 8.

<sup>(5)</sup> OJ No L 24, 27. 1. 1987, p. 33.

2. For the purposes of the second indent of paragraph 1, the sample base for spot checks shall be the totality of consignments passing through a frontier post or presented at a customs office or department carrying out inspections in a given period, not the totality of goods in each consignment.

Spot checks must take into account the degree of risk connected with consignments passing through a frontier post or presented at a customs office or department carrying out inspections.

3. Member States shall facilitate, in circumstances which they deem appropriate, the use of simplified procedures, such as those laid down by the regulations for the despatch, distribution and release for consumption of goods, at the place of origin or destination of the goods.

4. Member States shall endeavour to deploy customs offices in such a way, including in the interior of their territory, as best to take account of the requirements of commercial operators.';

3. Article 5 (1) and (2) shall be replaced by the following:

'1. Where the volume of traffic so warrants, Member States shall see to it that:

(a) frontier posts are open, except when traffic is prohibited, in such a way that:

— frontiers can be crossed 24 hours a day, with corresponding provisions for the inspections and formalities relating to goods placed under a customs transit procedure and their means of transport, and to vehicles travelling unladen, save where frontier inspection is necessary to prevent the spread of disease,

— inspections and formalities relating to the movement of means of transport and goods which have not been placed under a customs transit procedure may be performed from Monday to Friday during an uninterrupted period of at least 10 hours, and on Saturday during an uninterrupted period of at least six hours, unless the day is a public holiday;

(b) customs offices and other services carrying out inspections and formalities in respect of the import or export of goods, which are situated inside the country, are open to enable inspections and formalities relating to goods presented to them to be performed daily from Monday to Friday during a period of at least 10 hours and on Saturday during a period of at least six hours, unless the day is a public holiday;

(c) as regards vehicles and goods transported by air, the hours referred to in the second indent of subparagraph (a) are adapted in such a way as to meet actual needs and for that purpose may be split in accordance with the flow of traffic;

(d) transshipments which, under existing regulations, customs services allow to be carried out without their immediate supervision can be effected at any time in such a way as to meet actual needs.

2. Where general compliance with the periods referred to in paragraph 1 (a), second indent, (b) and (c), poses problems for veterinary services, Member States shall see to it that, with at least 12 hours' notice from the carrier, a veterinary expert is available during those periods: in the case of the transport of live animals, however, this notice may be increased to eighteen hours.';

4. the following paragraph shall be added to Article 11:

'4. This Directive shall be repealed as from the date of implementation of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit (').

(\*) OJ No L 262, 26. 9. 1990, p. 1.'

#### Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 September 1991 at the latest.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions they adopt in the field governed by this Directive.

#### Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 20 June 1991.

*For the Council*

*The President*

R. GOEBBELS

# COMMISSION

## COMMISSION DECISION

of 14 June 1991

amending Decision 89/3/EEC in regard to health protection measures in connection with imports of certain fresh meat from the State of Santa Catarina, Brazil

(91/343/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/69/EEC<sup>(2)</sup>, and in particular Article 16 thereof,

Whereas the requirements as regards animal health conditions and veterinary certification for imports of fresh meat from Brazil are laid down in Commission Decision 86/195/EEC<sup>(3)</sup>, as last amended by Decision 87/455/EEC<sup>(4)</sup>, with particular reference to the situation of foot-and-mouth disease obtaining in Brazil at that time;

Whereas this situation led to the adoption by Commission Decision 89/3/EEC<sup>(5)</sup>, as last amended by Decision 90/516/EEC<sup>(6)</sup>, of health protection measures in connection with imports of certain fresh meat from Brazil;

Whereas the last on-the-spot check by Community inspectors, carried out in March 1991, revealed a deterioration in the situation in the State of Santa Catarina;

Whereas Decision 89/3/EEC should therefore be amended in order to suspend the importation of fresh

meat of bovine animals from the State of Santa Catarina, Brazil;

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

The State of Santa Catarina is added to the list of States of Brazil set out in Article 1 of Decision 89/3/EEC.

### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 46, 19. 2. 1991, p. 37.

<sup>(3)</sup> OJ No L 142, 28. 5. 1986, p. 51.

<sup>(4)</sup> OJ No L 244, 28. 8. 1987, p. 38.

<sup>(5)</sup> OJ No L 5, 7. 1. 1989, p. 32.

<sup>(6)</sup> OJ No L 286, 18. 10. 1990, p. 40.

## COMMISSION DECISION

of 17 June 1991

amending Decision 87/257/EEC as regards the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(91/344/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/69/EEC<sup>(2)</sup>, and in particular Articles 4(1) and 18(1) thereof,

Whereas a list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC<sup>(3)</sup>, as last amended by Commission Decision of 13 December 1990, and that this list may be amended at any time in the light of the results of Community inspections carried out in the United States of America;

Whereas the latest inspection pursuant to Article 5 of Directive 72/462/EEC and Article 2(1) of Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat from non-member countries<sup>(4)</sup> has revealed that the situation in some establishments has been altered since the previous inspection;

Whereas fresh meat from these establishments will be able to be imported into the Community from the moment that the American authorities have given assurances on the measures taken to establish satisfactory conditions and after a Community inspection;

Whereas the list of establishments should therefore be amended;

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*

The Annex to Decision 87/257/EEC is hereby replaced by the Annex to this Decision.

*Article 2*

The import of fresh bovine and porcine meat from the slaughterhouses and cutting premises listed in the Annex to this Decision will start on a date to be fixed in the future when a review of this Decision is undertaken; such a review will only be carried out after the Commission has received the necessary assurances and verified that the necessary improvements, currently in hand in these establishments, have been completed.

This Article does not apply to establishment No 7 A (Berliner & Marx, Edgar, WI).

*Article 3*

The present Decision shall be reviewed before 31 December 1991 at the latest.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 46, 19. 2. 1991, p. 37.

<sup>(3)</sup> OJ No L 121, 9. 5. 1987, p. 46.

<sup>(4)</sup> OJ No L 279, 30. 9. 1986, p. 55.

## ANNEX

## LIST OF ESTABLISHMENTS IN THE UNITED STATES OF AMERICA APPROVED FOR THE PURPOSE OF IMPORTING FRESH MEAT INTO THE COMMUNITY

| Approval No | Establishment/Address                                         | Category (*) |    |    |   |     |   |    |     | SR |
|-------------|---------------------------------------------------------------|--------------|----|----|---|-----|---|----|-----|----|
|             |                                                               | SL           | CP | CS | B | S/G | P | SP |     |    |
| 3 S         | Montfort Pork Inc., Marshalltown, IA                          | ×            |    |    |   |     | × |    | (?) |    |
| 3 W         | Montfort Pork Inc., Worthington, MN                           | ×            |    |    |   |     | × |    | (?) |    |
| 7           | Berliner & Marx, South Bend, IN                               | ×            |    |    | × |     |   |    | (?) |    |
| 7 A         | Berliner & Marx, Edgar, WI                                    | ×            | ×  |    | × |     |   |    |     |    |
| I-30        | New Orleans Inspection Service Inc.,<br>New Orleans, LA       |              |    | ×  |   |     |   |    | (1) |    |
| 53          | American Freezer Services, Norfolk, NE                        |              |    | ×  |   |     |   |    | (1) |    |
| E-113-W     | M & R Packing Co., Walterboro, SC                             | ×            | ×  |    |   |     |   | ×  |     |    |
| I-113       | US Cold Storage, Philadelphia, PA                             |              |    | ×  |   |     |   |    | (1) |    |
| I-149       | C W Storage, Albany, NY                                       |              |    | ×  |   |     |   |    | (1) |    |
| I-162       | Americold, Fogelsville, PA                                    |              |    | ×  |   |     |   |    | (1) |    |
| I-183       | Blue Grass Inspection Service, Philadelphia, PA               |              |    | ×  |   |     |   |    | (1) |    |
| I-195       | Rosenberger's Cold Storage Inc., Hatfield, PA                 |              |    | ×  |   |     |   |    | (1) |    |
| 244 W       | IBP, Waterloo, IA                                             | ×            |    |    |   |     | × |    | (?) |    |
| 253         | Long Prairie Packing Co. Inc., Long Prairie, MN               | ×            |    |    | × |     |   |    | (?) |    |
| I-305       | Georgia Ports Authority, Savannah, GA                         |              |    | ×  |   |     |   |    | (1) |    |
| I-320       | South Carolina State Ports Authority,<br>North Charleston, SC |              |    | ×  |   |     |   |    | (1) |    |
| I-333       | Diamond Distribution Center, Newark, DE                       |              |    | ×  |   |     |   |    | (1) |    |
| I-335       | Service Cold Storage, Miami, FL                               |              |    | ×  |   |     |   |    | (1) |    |
| I-346       | Primliks, Miami, FL                                           |              |    | ×  |   |     |   |    | (1) |    |
| 382 G       | Smithfield Packing Co, Norfolk, VA                            |              |    | ×  |   |     |   |    | (1) |    |
| 410         | Green Bay Dressed Beef Inc., Green Bay, WI                    | ×            |    |    | × |     |   |    | (?) |    |
| 511         | Rocco Further Processing, Timberville, VA                     | ×            | ×  |    |   | ×   |   |    |     |    |
| 532         | Northern States Beef, Omaha, NE                               | ×            |    |    | × |     |   |    | (?) |    |
| 562         | Packerland Packing Co., Green Bay, WI                         | ×            |    |    | × |     |   |    | (?) |    |
| E-646       | Transcontinent Packing Co., Palestine, TX                     | ×            | ×  |    |   |     |   | ×  |     |    |

| Approval<br>No | Establishment/Address                                     | Category (*) |    |    |   |     |   |    |     |  |
|----------------|-----------------------------------------------------------|--------------|----|----|---|-----|---|----|-----|--|
|                |                                                           | SL           | CP | CS | B | S/G | P | SP | SR  |  |
| E-713          | Central Nebraska Packing Inc., North Platte, NE           | ×            | ×  |    |   |     |   | ×  |     |  |
| 1620           | Quality Pork Processors Inc., Austin, MN                  | ×            |    |    |   |     | × |    | (?) |  |
| 2003           | Cornbelt Meats Inc., Albert Lea, MN                       | ×            |    |    |   |     | × |    | (?) |  |
| E-2018         | Dallas Crown Packing Co., Kaufman, TX                     | ×            | ×  |    |   |     |   | ×  |     |  |
| 2508           | The Bruss Company, Chicago, IL                            |              | ×  |    |   | ×   |   |    |     |  |
| 3001           | Capitol Cold Storage, San Antonio, TX                     |              |    | ×  |   |     |   |    | (?) |  |
| 3056           | Termicol Inc., Wallula, WA                                |              |    | ×  |   |     |   |    | (?) |  |
| 3131           | Worthington Freezer Warehouse Company,<br>Worthington, MN |              |    | ×  |   |     |   |    | (?) |  |
| 3136           | Fairmont Refrigerated Service Co., Fairmont, MN           |              |    | ×  |   |     |   |    | (?) |  |
| 3149           | Milliard Warehouse (L & B Corp.), Des Moines, IA          |              |    | ×  |   |     |   |    | (?) |  |
| 3150           | Beatrice Cold Storage Warehouse, Denver, CO               |              |    | ×  |   |     |   |    | (?) |  |
| 3157           | Des Moines Cold Storage Co. Inc., Des Moines, IA          |              |    | ×  |   |     |   |    | (?) |  |
| 3158           | Freezer Services Inc., Amarillo, TX                       |              |    | ×  |   |     |   |    | (?) |  |
| 3161           | Monument Distribution Warehouse Inc.,<br>Indianapolis, IN |              |    | ×  |   |     |   |    | (?) |  |
| 3164           | Americold Corporation, Boston, MA                         |              |    | ×  |   |     |   |    | (?) |  |
| 3170           | Logansport Refrig. Services, Logansport, IN               |              |    | ×  |   |     |   |    | (?) |  |
| 3190           | American Freezer Services Inc., Fremont, NE               |              |    | ×  |   |     |   |    | (?) |  |
| 3198           | Milliard Warehouse (L & B Corp.), Denison, IA             |              |    | ×  |   |     |   |    | (?) |  |
| 3215           | Napoleon Warehouse Inc., Napoleon, OH                     |              |    | ×  |   |     |   |    | (?) |  |
| 3216           | Freezer Services Inc. of Texas, Garden City, KS           |              |    | ×  |   |     |   |    | (?) |  |
| 3219           | Merchants Refrigerating Co., Denver, CO                   |              |    | ×  |   |     |   |    | (?) |  |
| 3229           | Iowa Beef Processors Inc., Emporia, KS                    |              |    | ×  |   |     |   |    | (?) |  |
| 3241           | AMC Warehouses, Grand Prairie, TX                         |              |    | ×  |   |     |   |    | (?) |  |
| 3245           | United Refrigerated Services, Marshall, MO                |              |    | ×  |   |     |   |    | (?) |  |
| 3256           | Nobel Inc., Denver, CO                                    |              |    | ×  |   |     |   |    | (?) |  |
| 3261           | Rosenberger's Cold Storage Inc., Hatfield, PA             |              |    | ×  |   |     |   |    | (?) |  |
| 3273           | Central Nebraska Packing Inc., North Platte, NE           |              |    | ×  |   |     |   |    | (?) |  |
| 3338           | Millard Warehouse, Iowa City, IA                          |              |    | ×  |   |     |   |    | (?) |  |
| 3363           | Millard Warehouse (L & B Corp.), Friona, TX               |              |    | ×  |   |     |   |    | (?) |  |
| 3396           | Americold, Bettendorf, IA                                 |              |    | ×  |   |     |   |    | (?) |  |

| Approval<br>No | Establishment/Address                                 | Category (*) |    |    |   |     |   |    |     | SR |
|----------------|-------------------------------------------------------|--------------|----|----|---|-----|---|----|-----|----|
|                |                                                       | SL           | CP | CS | B | S/G | P | SP |     |    |
| 3397           | DFW Cold Storage Inc., Richardson, TX                 |              |    | x  |   |     |   |    | (1) |    |
| 3398           | Millard Warehouse, Grand Island, NE                   |              |    | x  |   |     |   |    | (1) |    |
| 3407           | Bell Cold Storage, St Paul, MN                        |              |    | x  |   |     |   |    | (1) |    |
| 3431           | Texas Cold Storage, Fort Worth, TX                    |              |    | x  |   |     |   |    | (1) |    |
| 3447           | Mohawk Cold Storage Division Wauwatosa, WI            |              |    | x  |   |     |   |    | (1) |    |
| 3474           | Nordic Warehouses Inc., Benson, NC                    |              |    | x  |   |     |   |    | (1) |    |
| 3475           | Atlas Warehouse Cold Storage, Green Bay, WI           |              |    | x  |   |     |   |    | (1) |    |
| 3477           | Northland Cold Storage, Greenbay, WI                  |              |    | x  |   |     |   |    | (1) |    |
| 3490           | Oneida Cold Storage, Salt Lake City, UT               |              |    | x  |   |     |   |    | (1) |    |
| 3505           | Dakota Cold Storage, Huron, SD                        |              |    | x  |   |     |   |    | (1) |    |
| 3507           | Zollinger Cold Storage Corp., Logan, UT               |              |    | x  |   |     |   |    | (1) |    |
| 3512           | Inland Storage Dist. Center, Kansas City, KS          |              |    | x  |   |     |   |    | (1) |    |
| 3524           | Trans Continental Cold Storage, Storm Lake, IA        |              |    | x  |   |     |   |    | (1) |    |
| 3535           | Ashland Cold Storage Co., Chicago, IL                 |              |    | x  |   |     |   |    | (1) |    |
| 3552           | Cloverleaf Cold Storage Co. (No 2), Sioux City, IA    |              |    | x  |   |     |   |    | (1) |    |
| 3554           | Cloverleaf Cold Storage Co., Sioux City, IA           |              |    | x  |   |     |   |    | (1) |    |
| 3555           | Cloverleaf Cold Storage Co., Sioux City, IA           |              |    | x  |   |     |   |    | (1) |    |
| 3562           | L & B Corporation, Lincoln, NE                        |              |    | x  |   |     |   |    | (1) |    |
| 3573           | Albert Lea Freezer Warehouse Co., Albert Lea, MN      |              |    | x  |   |     |   |    | (1) |    |
| 3610           | Millard Cold Storage, Dodge City, KS                  |              |    | x  |   |     |   |    | (1) |    |
| 3688           | Newport St Paul Cold Storage, Newport, MN             |              |    | x  |   |     |   |    | (1) |    |
| 3707           | United States Cold Storage Inc., Omaha, NE            |              |    | x  |   |     |   |    | (1) |    |
| 3722           | Des Moines Cold Storage Co. Inc., Des Moines, IA      |              |    | x  |   |     |   |    | (1) |    |
| 3738           | Artesian Ice and Cold Storage Co., St Joseph, MO      |              |    | x  |   |     |   |    | (1) |    |
| 3748           | Cloverleaf Cold Storage Co., Sioux City, IA           |              |    | x  |   |     |   |    | (1) |    |
| 3854           | Merchants Refrigerating Co., Vinita Park, MO          |              |    | x  |   |     |   |    | (1) |    |
| 3860           | Central Storage and Warehouse Inc.,<br>Eau Claire, WI |              |    | x  |   |     |   |    | (1) |    |
| 3871           | York Cold Storage Co., York, NE                       |              |    | x  |   |     |   |    | (1) |    |
| 3910           | United States Cold Storage, East Peoria, IL           |              |    | x  |   |     |   |    | (1) |    |
| 3935           | Millard Warehouse, Omaha, NE                          |              |    | x  |   |     |   |    | (1) |    |

| Approval No | Establishment/Address                         | Category (*) |    |    |   |     |   |    |     | SR |
|-------------|-----------------------------------------------|--------------|----|----|---|-----|---|----|-----|----|
|             |                                               | SL           | CP | CS | B | S/G | P | SP |     |    |
| 3942        | Wilkerson Cold Storage, Lubbock, TX           |              |    | x  |   |     |   |    | (1) |    |
| 4215        | Mid America Refr. Serv., Omaha, NE            |              |    | x  |   |     |   |    | (1) |    |
| E-4816      | Great Western Meat Co., Morton, TX            | x            | x  |    |   |     |   | x  |     |    |
| E-6043      | Florence Packing Co., Stanwood, WA            | x            | x  |    |   |     |   | x  |     |    |
| 6543        | Savannah Cold Storage, Savannah, GA           |              |    | x  |   |     |   |    | (1) |    |
| E-7041      | Beltex Corporation, Fort Worth, TX            | x            | x  |    |   |     |   | x  |     |    |
| 7164        | Cox Packing Co., Devine, TX                   | x            | x  |    |   | x   |   |    |     |    |
| 7271        | Custom Meat Corp. Dallas, TX                  |              | x  |    |   | x   |   |    |     |    |
| 7298        | Monfort of Colorado Inc., Harper, KS          | x            | x  |    |   | x   |   |    |     |    |
| E-8861      | Amfran Packing Co., Plainfield, CT            | x            | x  |    |   |     |   | x  |     |    |
| 8904        | Bell Cold Storage, St Paul, MN                |              |    | x  |   |     |   |    | (1) |    |
| 8984        | Provimi Veal Corp., Seymour, WI               | x            | x  |    | x |     |   |    | (2) |    |
| 8984-A      | Provimi Lamb, Seymour, WI                     |              | x  |    |   | x   |   |    |     |    |
| E-9294      | Cavel West Inc., Redmond, OR                  | x            | x  |    |   |     |   | x  |     |    |
| 9400        | Taylor Packing Co. Inc., Wyalusing, PA        | x            |    |    | x |     |   |    | (2) |    |
| E-9910      | Cavalier Export Co., Evington, VA             | x            | x  |    |   |     |   | x  |     |    |
| 13182       | Mid-Continent Cold Storage, Omaha, NE         |              |    | x  |   |     |   |    | (1) |    |
| 13247       | Gold Leaf of Nebraska, York, NE               |              | x  |    | x |     |   |    | (1) |    |
| E-13439     | Archway Packing Co., Desloge, MO              | x            | x  |    |   |     |   | x  |     |    |
| E-15849     | Cavel International, De Kalb, IL              | x            | x  |    |   |     |   | x  |     |    |
| 17054       | RCS/Smithfield Inc., Smithfield, VA           |              |    | x  |   |     |   |    | (1) |    |
| 17068       | US Coldstorage, Cumberton, NC                 |              |    | x  |   |     |   |    | (1) |    |
| 17461       | Millard Refrigerated Services, Greeley, CO    |              |    | x  |   |     |   |    | (1) |    |
| 17756       | Millard Refrigerated Services, Sioux City, IA |              |    | x  |   |     |   |    | (1) |    |

(1) SL: Slaughterhouse  
 CP: Cutting premises  
 CS: Cold store

B: Bovine meat  
 S/G: Sheepmeat/Goatmeat  
 P: Pigmeat  
 SP: Meat from solipeds

SR: Special remarks

(1) Only storage of meat already finally packaged in approved slaughtering or cutting establishments.

(2) Offal only.

(2) Also for sliced bovine livers.

(2) Only sliced bovine livers.

**DECISION No 2/91**  
**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 Senegal with regard to its production of canned tuna**

(91/345/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 transitional measures to be applied from 1 March 1990<sup>(1)</sup>, and in particular Article 2 (1) (d) thereof;

Having regard to Protocol 1 to the Fourth ACP-EEC Convention concerning the definition of the concept of originating products and methods of administrative cooperation, and in particular Articles 30 and 31 thereof,

Whereas those Articles make provision for derogations to be made from the rules of origin by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas Article 31 (8) of Protocol 1 lays down a special procedure for derogations concerning canned tuna which are automatically granted within an annual quota;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request under the said Article 31 (8) from the Government of Senegal for a derogation from the definition set out in Protocol 1 in respect of 500 tonnes of canned tuna produced by Senegal;

Whereas in these circumstances a derogation from the definition of the concept of originating products should be accorded to Senegal in accordance with Article 31 (8),

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions of the list in Annex II to Protocol 1, canned tuna falling within heading No 16.04 of the Common Customs Tariff and

manufactured by Senegal shall be considered as originating in Senegal under the conditions set out in this Decision.

*Article 2*

The derogation provided for in Article 1 shall relate to a quantity of 500 tonnes of canned tuna falling within heading No 16.04 of the Common Customs Tariff produced in an exported from Senegal between 1 April and 31 December 1991.

*Article 3*

The competent authorities of Senegal shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 2 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 on the basis of this Decision.

*Article 4*

The ACP States, the Member States and the Community 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

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 2.

**DECISION No 3/91**  
**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 canned tuna**

(91/346/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 transitional measures to be applied from 1 March 1990<sup>(1)</sup>, and in particular Article 2 (1) (d) thereof,

Having regard to Protocol 1 to the Fourth ACP-EEC Convention concerning the definition of the concept of originating products and methods of administrative cooperation, and in particular Articles 30 and 31 thereof,

Whereas those Articles make provision for derogations to be made from the rules of origin by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas Article 31 (8) of Protocol 1 lays down a special procedure for derogations concerning canned tuna which are automatically granted within an annual quota;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request under the said Article 31 (8) from the Government of Fiji for a derogation from the definition set out in Protocol 1 in respect of the canned tuna produced by that State;

Whereas in these circumstances a derogation from the definition of the concept of originating products should be accorded to Fiji in accordance with Article 31 (8),

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions of the list in Annex II to Protocol 1, canned tuna falling within heading No 16.04 of the Common Customs Tariff and

manufactured by Fiji shall be considered as originating in Fiji under the conditions set out in this Decision.

*Article 2*

The derogation provided for in Article 1 shall relate to a quantity of 500 tonnes of canned tuna falling within heading No 16.04 of the Common Customs Tariff produced in and exported from Fiji between 1 January and 31 December 1992. It shall relate to an annual quantity of 1 500 tonnes for exports of canned tuna from Fiji between 1 January 1993 and 31 December 1996.

*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 2 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 on the basis of this Decision.

*Article 4*

The ACP States, the Member States and the Community 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  
Co-operation Committee  
The Chairmen*

P. WILMOTT

Ernest S. MPOFU

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 2.

**COMMISSION DECISION**

of 24 June 1991

**authorizing the French Republic to apply intra-Community surveillance in respect of imports of woven fabrics of cotton originating in Brazil**

(Only the French text is authentic)

(91/347/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty<sup>(1)</sup>, and in particular Articles 1 and 2 thereof,

Whereas on 11 June 1991 a request was made pursuant to Article 2 of Decision 87/433/EEC by the French Government for authorization to apply intra-Community surveillance in respect of imports of woven fabrics of cotton falling within category 2 originating in Brazil and put into free circulation in other Member States;

Whereas the importation into the Community of certain textile products, including the products in question originating in Brazil, are subject to an agreement between the Community and the abovementioned country; whereas in the context of this agreement, Brazil undertook to take all the necessary measures to restrict its exports of products falling within category 2 to the Community to a given ceiling divided among the Member States;

Whereas the information given by the French authorities in support of this request has been examined closely by the Commission in accordance with the criteria laid down in Decision 87/433/EEC;

Whereas the Commission examined in particular whether the imports could be made subject to intra-Community surveillance pursuant to Article 2 of Decision 87/433/EEC and whether information was given as regards the alleged economic difficulties and the risk of deflection of trade;

Whereas this examination has shown that the risk does exist and that a thorough knowledge of the likely trends of intra-Community imports is required in order to detect rapidly any potentially damaging developments;

Whereas the French Republic should therefore be authorized to make the imports concerned subject to prior intra-Community surveillance until 31 December 1991,

HAS ADOPTED THIS DECISION:

*Article 1*

The French Republic is hereby authorized, in accordance with Decision 87/433/EEC, to apply intra-Community surveillance until 31 December 1991 to the following products originating in Brazil and put into free circulation in other Member States:

*— Description of goods:*

Woven fabrics of cotton other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabric,

*— Category: 2.**Article 2*

This Decision shall apply until 31 December 1991.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 24 June 1991.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 238, 21. 8. 1987, p. 26.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 1673/91 of 14 June 1991 altering the export refunds on syrups and certain other sugar sector products exported in the natural state**

*(Official Journal of the European Communities No L 151 of 15 June 1991)*

On page 77, in the Annex, against Product code 1702 90 90 900 :

for: '0,3638',

read: '0,3639'.

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**Corrigendum to Commission Regulation (EEC) No 1844/91 of 28 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal**

*(Official Journal of the European Communities No L 168 of 29 June 1991)*

On page 3, in the Annex, against CN code 1103 11 90 :

for: '262,66 (°)',

read: '224,81 (°)'.

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