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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2093/91

of 15 July 1991

imposing a definitive anti-dumping duty on imports of small-screen colour television receivers originating in Hong Kong and the People's Republic of China and collecting definitively the provisional duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission submitted after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 129/91⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of small-screen colour television receivers (hereinafter referred to as SCTVs) originating in Hong Kong and the People's Republic of China and falling within CN code 8528 10 71. The Council, by Regulation (EEC) No 1283/91⁽³⁾ extended this duty for a period not exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, the interested parties who so

requested were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.

- (3) Upon request, parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.
- (5) Due to the complexity of the proceeding, in particular to the detailed verification of the voluminous data involved and the numerous arguments put forward, including the study of related issues which arose during the proceeding and which could not have been foreseen at its outset, the investigation could not be concluded within the normal time limit as was mentioned in recital 5 of Regulation (EEC) No 129/91.

C. PRODUCT UNDER CONSIDERATION, ORIGIN FOR CUSTOMS PURPOSES

- (6) In its provisional findings the Commission, subsequent to a claim made by a Hong Kong producer/exporter and consistent with the conclusions in Council Regulation (EEC) No 1048/90⁽⁴⁾ imposing definitive anti-dumping duties on imports of SCTVs originating in the Republic of Korea,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 14, 19. 1. 1991, p. 31.

⁽³⁾ OJ No L 122, 17. 5. 1991, p. 1.

⁽⁴⁾ OJ No L 107, 27. 4. 1990, p. 56.

decided to exclude from the scope of the proceeding SCTVs with a diagonal screen size of 15,5 cm (six inches) or less.

As no objections by any of the interested parties have been made to this course of action, the Council confirms the conclusions contained in recitals 6, 7 and 8 of Regulation (EEC) No 129/91 as well as the conclusions set out in recitals 9 and 10 of that Regulation concerning the consideration of SCTVs produced by the Community industry, as like products to the SCTVs exported from Hong Kong and China and the origin of those SCTVs. No comments were received from interested parties on those conclusions.

D. DUMPING

(a) Normal value

- (7) For the purpose of definitive findings, normal value was, in general, established on the basis of the same methods as those used in the provisional determination of dumping, after taking into consideration new facts and arguments presented by the parties.

(i) Hong Kong

- (8) One of the Hong Kong exporters claimed that normal value, which had been established for original equipment manufacture (OEM) sales on the basis of the resale price of a related trading company to the first independent purchaser adjusted by the allowable selling expenses — as mentioned in recital 13 of Regulation (EEC) No 129/91 — should have been established on the basis of the sales to the trading company which should be considered as unrelated, and that the commissions paid to the trading company should have been deducted from the normal value.

The Commission considers that there is no justification for treating the trading company as an unrelated company. The trading company and the producer are both fully owned subsidiaries of the same parent company. It does not perform any activities apart from trading and selling and carried out all the producer's sales of the product concerned in the domestic market during the reference period. Even if it was admitted that, as

this exporter claims, the manufacturing company carried out certain selling activities, it would still be true that the trading company performed selling activities normally carried out by a sales department of the manufacturer and this would fully justify its consideration as a related sales company.

In these circumstances, the Commission confirms its consideration of the two companies as forming part of the same economic entity and its determination of normal value as described in recital 13 of Regulation (EEC) No 129/91.

The Council confirms these conclusions.

- (9) Another Hong Kong exporter contested the method used to establish the constructed values. It argued that the sales, general and administrative expenses and the profit which had been used in constructing the values, as explained in recital 16 of Regulation (EEC) No 129/91, were excessive and did not adequately reflect its situation, mainly because the company whose SG & A expenses had been used was a stock exchange listed company and therefore required a larger and more specialized staff.

The Commission considers that the arguments put forward by the exporter are not duly justified. The mere allegation that a stock exchange listed company requires a larger and more specialized staff than a comparable fully private company cannot be considered sufficient argument to reduce the selling, general and administrative (SG & A) expenses used by the Commission in constructing the value. The investigation carried out by the Commission shows that this company and the one of which the SG & A expenses were taken in order to construct the normal value, may be considered comparable as far as costs and type of operation are concerned. No justifiable argument to the contrary has been put forward. In any event, this latter company was the only one with domestic sales on an OEM basis which could be considered representative since they exceeded 5 % in volume of the sales on the same basis to the Community market. It was therefore considered that this company's figures which were verified by the Commission, form the most reasonable basis for the addition of SG & A expenses to manufacturing costs as provided for by Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

As far as profit is concerned, this exporter argued that the profit margin taken into consideration (i.e. 5 %) should not be the same as the one which had been used in the previous investigation concerning the Republic of Korea, the Hong Kong market being more competitive and having lower profit margins. The Commission considers that this argument neglects the fact that the Commission investigation, as indicated in recital 15 of Regulation (EEC) No 129/91, showed that the profit margin of the sole company with representative OEM sales in the domestic market exceeded the 5 % profit margin retained.

The Council confirms these conclusions.

(ii) *People's Republic of China*

- (10) No comments from any of the interested parties were received concerning the way in which the Commission had established normal values for all export sales from the People's Republic of China to the Community on the basis of the constructed values for comparable models manufactured in Hong Kong as set out in recitals 17 and 18 of Regulation (EEC) No 129/91.

The Council confirms these conclusions.

(b) **Export price**

(i) *Hong Kong*

- (11) For purposes of Regulation (EEC) No 129/91 the export prices were established on the basis of the prices paid or payable for export as all export sales were made either directly to unrelated importers or through unrelated trading companies in Hong Kong. No comments from any party have been made on this course of action and the Council confirms the conclusions of the Commission as set out in recital 19 of that Regulation.

(ii) *People's Republic of China*

- (12) The export prices for the Chinese exporters have been established on the basis of prices paid or payable where no related importers were involved and on the basis of resale prices to the first independent buyer adjusted to take account of all costs incurred between importation and resale including customs duties and a 10 % profit on turnover where exports were made to related importers as was the case for Fujian Hitachi Television Co. Ltd and Huaquiang Sanyo Electronics Co. Ltd as

described in recitals 20 and 21 of Regulation (EEC) No 129/91.

- (13) One of the exporters considered that the profit margin used in the construction of the export price could not be considered reasonable. In support of its consideration it was argued by the exporter that a 5 % profit margin had been used in previous proceedings involving consumer products, that SCTVs were a mature and well established product, the 10 % margin being therefore unrealistic, and that the margin of 10 % was not adapted to the size and organization of the related importers involved.

The Commission notes, however, that it has been consistent in its approach with the methodology used in the previous investigation concerning SCTVs originating in the Republic of Korea. The Commission does not contest the fact that the current generation of SCTVs can be considered as a technologically-mature product but this does not preclude the fact that the SCTV sector was, during both reference periods for the Korean and the Chinese and Hong Kong investigation, quite buoyant and profitable for independent importers. In this respect, it should be noted that in the case of imports of another consumer electronic product whose investigation period corresponded in large part to that of the Korean investigation a rate higher than 10 % was used for definitive determinations.

The information collected and verified from independent importers in the course of this proceeding has shown that the level of profit during the reference period did not depart significantly from that observed and used for definitive determinations in the Korean proceeding and therefore the use of a different profit rate was not justified. As far as the size and the organization of the related importer are concerned, the Commission retained the profit of one independent importer as explained in recital 17 of Regulation (EEC) No 1048/90, whose structure and size are comparable to both the related importers involved in that proceeding and those related importers involved in the present proceeding. This independent importer is of considerable size, is well established in the Community market, possesses an important network, deals with a wide product range and sells its products under a very well known brand name. These are obviously characteristics which are also common to the related importers and therefore the Commission considers that the size and organization aspects have been properly taken into account.

In the light of these considerations and those set out in recitals 20, 21 and 22 of Regulation (EEC)

No 129/91, the Council confirms the Commission's findings and conclusions.

(c) Comparison

- (14) As explained in Regulation (EEC) No 129/91 at recitals 23 to 27, all comparisons were made at the ex-works level for the exports originating in Hong Kong and at fob level for the exports originating in the People's Republic of China. For the purposes of ensuring a fair comparison between normal value and export prices, the Commission took account where appropriate of differences affecting price comparability, such as differences in physical characteristics and selling expenses, where a direct relationship between these differences and the sales under consideration could be satisfactorily demonstrated. Under the heading of selling expenses for export sales of Hong Kong exporters, adjustments were made for differences in commissions, transport, insurance, handling, loading and ancillary costs, payment terms, warranty expenses and salesmen's salaries and for export sales of Chinese exporters adjustments were made for differences in warranty expenses.

(i) Hong Kong

- (15) One of the Hong Kong exporters disputed the calculations made by the Commission in the determination of the cost of transporting the exported product to the Community. The Commission informed this exporter in writing of the basis of its calculation. The same exporter also disputed the allowance made by the Commission for salesmen's salaries on the export price on the grounds that these were not true salesmen. The Commission informed the exporter in writing that the results of the investigation had shown that these salesmen were wholly involved in direct selling activities and explained the basis for the allocation made on calculating the amount of the allowance. No further comments on any of these points were received by the Commission.
- (16) Another Hong Kong exporter claimed that a number of adjustments for differences in physical characteristics should have been made with regard to the model used in the calculation of the constructed value referred to in recital 16 of Regulation (EEC) No 129/91. It alleged, in particular, that the model on which the constructed value had been based may have obtained approval in accordance with German certification practice and may

have been equipped with an indoor rod antenna component.

The Commission cannot accept this claim as it could not obtain confirmation as to whether the alleged certification and incorporation of antenna actually existed and, if so, on what factual basis these adjustments should have been made and what impact those differences would have had on the price comparability. In any event, even if it was established that all models exported to Germany had obtained that approval, that all models were equipped with the indoor rod antenna component and that the costs indicated by this exporter were correct, the impact on the outcome of the investigation would be negligible.

(ii) People's Republic of China

- (17) The China Commercial Chamber of Audio-Video Products Exporters requested through its legal representative that a number of adjustments for physical characteristics be made on the models used in the calculation of the constructed value referred to in recital 17 of Regulation (EEC) No 129/91. In particular, the Chamber requested adjustments for the lack of cable tuner and earphone jacks and for the different number of preselections, differences in sound output available and differences in look and design. The Commission, in view of the arguments presented by the Chamber, recognized that a cable tuner was a feature relevant to consumers in Hong Kong and agreed to make the appropriate adjustment. The rest of the claimed allowances could not, on the contrary, be accepted by the Commission as they did not prove to be duly justified:

- the sound output available was considered not to be of relevance to consumers,
- a large majority of the units exported from the People's Republic of China were equipped with earphone jacks,
- due to the limited number of channels available for viewing in Hong Kong during the reference period the discussed number of preselections was irrelevant, and
- in so far as the look was concerned, it appeared that the cost of manufacturing a conventional-look receiver in Hong Kong was higher than that of a monitor-look receiver and that for comparable models of two of the Hong Kong exporters involved in the proceeding, the price of the conventional-look model was higher than that of the monitor-look model.

For all those reasons, only the request for the cable tuner adjustment can be accepted by the Commission which must reject the other claims.

The Council confirms these conclusions.

(d) Dumping margins

- (18) Export prices were compared on a transaction-by-transaction basis with normal values for each of the exporters concerned with the exception mentioned below. The final examination of the facts shows the existence of dumping in respect of SCTVs originating in Hong Kong and the People's Republic of China from all the exporters involved, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

- (19) In its provisional findings contained in recital 28 of Regulation (EEC) No 129/91, the Commission established five individual dumping margins for each of the Chinese exporters who had cooperated in the investigation. However, for the purposes of definitive findings, the Commission took the view that a single dumping margin should be established for all the Chinese exporters with the exception of the two Sino-Japanese joint venture exporters. This is justified by the fact that the Chinese exporters, even if they appear as independent companies which invoice their customers directly, have in fact a very limited, if any, degree of independence in their relationship with importers in other countries as they lack the possibility of establishing export prices and any other conditions or terms of sales by themselves. The three cooperating Chinese exporters (i.e. China Great Wall Industry Corporation, China National Electronics Import & Export Corporation and China National Light Industrial Products Import & Export Corporation) are members of the China Commercial Chamber of Audio and Video Products Exporters who acknowledged during the investigation that the export of SCTVs from all their members was made under their strict control. It was also declared by the Chamber that all exporters had to be members of the Chamber and that only the joint ventures could export and import products independently.

In addition, the Commission considered that maintaining individual dumping margins for the Chinese exporters subject to the control of the Chamber could provide and opportunity for circumvention as exports to the Community could

be channelled through the company with the lowest dumping margin.

The lack of independence of these exporters in conducting their export policy is further confirmed by the fact that the representation of the three Chinese exporters in this proceeding has been carried out by the Chamber and its legal representatives which at all times have submitted joint arguments and considerations for all three exporters without individualizing any positions. In these circumstances, the Commission considered that the establishment of three individual dumping margins led to purely arbitrary results which were not justified and that a single dumping margin, obtained by comparing all export transactions of the three companies with the normal values, should be established. All the cooperating Chinese exporters were informed by the Commission of its intention to follow this course of action.

- (20) In so far as the other two Chinese exporters are concerned (i.e. the two Sino-Japanese joint ventures) the Commission was able to establish to its satisfaction that these companies, even if they did not operate fully on a market economy basis, enjoyed a high degree of independence in their operations basically because they were able to import components and export finished products without control from the Chamber or from any other body. Furthermore, the fact that these companies were able to transfer their profits, subject to certain administrative requirements, out of the People's Republic of China, ensured that these profit-oriented companies enjoyed a sufficient degree of independence which justifies their individual treatment. For these reasons the Commission considered that individual dumping margins should be established for the two joint venture exporters who cooperated with the investigation by comparing the normal values and the export prices established on the basis set out in recitals 10 and 12.

The Council confirms the above conclusions in recitals 18, 19 and 20.

- (21) The weighted average margins, expressed as a percentage of cif frontier prices varied according to exporter as follows:

(i) *Hong Kong*

— Cony Electronic Products Ltd :	3,19
— Hanwah Electronics Ltd :	4,88
— Kong Wah Electronic Enterprises Ltd :	3,13
— Koyoda Electronics Ltd :	4,61
— Luks Industrial Co. Ltd :	4,17
— Tai Wah Television Industries Ltd :	2,16;

(ii) *People's Republic of China*

- Fujian Hitachi Television Co. Ltd : 17,04
- Huaquiang Sanyo Electronics Co. Ltd : 7,55
- All other cooperating Chinese exporters : 15,31.

E. INJURY

- (22) The Commission concluded in its provisional findings that the Community SCTV industry had suffered material injury. It based this finding principally on the Hong Kong and Chinese exporters' rapid increase in volume of exports and in market share, the price undercutting practised by these exporters in the Community market and the price erosion resulting therefrom for the complainant producers' selling prices. In addition, further relocation of Community industrial capacity in third countries was foreseeable with consequent loss of Community employment and the continuation of the significant losses incurred by the complainant Community producers which increased dramatically in 1988.
- (23) No new facts concerning these findings were submitted to the Commission after the publication of Regulation (EEC) No 129/91. Some exporters, both Chinese and from Hong Kong contested the cumulation of imports from both countries effected by the Commission when assessing the impact of dumped imports on the Community industry. The Commission, however, maintains its arguments set out in recitals 30 and 31 of that Regulation, i.e. that the SCTVs exported by both countries are homogeneous and similar to the Community products, that they competed with each other and with the Community products and were sold through the same distribution channels and that the volumes imported from each of the two countries taken in isolation can, in no way, be described as negligible. In addition, the Commission notes that the market behaviour of the Chinese and the Hong Kong exporters can be considered very similar. In these circumstances, in accordance with the standard practice in anti-dumping proceedings, it is considered appropriate to cumulate the injurious effect of imports from Hong Kong and from the People's Republic of China.
- (24) Some exporters contested the model comparison which formed the basis for the Commission's analysis of undercutting. Their arguments on the question referred basically to the fact that the Community models used in the comparison offered an enhanced appeal to consumers as a result of the presence of a number of features or characteristics

incorporated in them and which were lacking in the exported models.

The China Commercial Chamber of Audio and Video Products Exporters argued that the Community models which had been used for the price undercutting comparison contained more and better features than the Chinese models with which they had been compared and proposed that either adjustments on the basis of market value differences should be made or that all Chinese models should be compared to the Community models with the fewest features used in the comparison. The Commission considered that accepting adjustments on the model comparison would imply a significant departure from the methodology used in the recent SCTVs Korean investigation which was confirmed in the present investigation. This methodology has not been challenged by any of the parties involved in either proceeding with the exception of the Chamber. Furthermore, it was considered that the wide variety of models and of technical characteristics would make a comparison based on adjustments too complicated and unworkable. However, the Commission, recognizing that some of the Community models used in the comparison may be over-featured in relation to the Chinese models, has proceeded to compare all but one of the Chinese models, with the exception of those exported by the joint venture exporters, with the Community models incorporating the fewest features.

- (25) On that basis and applying the method of comparison explained in recital 39 of Regulation (EEC) No 129/91, the overall average undercutting results expressed at cif level is 16,85 % for the exporters represented by the China Commercial Chamber of Audio and Video Products Exporters.

For all the other exporters the undercutting comparison findings as set out in recital 40 of that Regulation are hereby confirmed.

- (26) No other arguments or facts concerning determination of injury were presented to the Commission.

The Council confirms the conclusions of the Commission as set out in recitals 30 to 39 and 41 to 48 of Regulation (EEC) No 129/91 and in recitals 22 to 25 of this Regulation.

F. CAUSATION OF INJURY

- (27) In recitals 49 to 53 of Regulation (EEC) No 129/91, the Commission concluded that the cumulated dumped imports from Hong Kong and the People's Republic of China had caused material injury to the Community industry. The Commis-

sion found that the rapid increase of Hong Kong and Chinese low-priced imports coincided with an equally rapid loss of market share by the Community industry, price erosion for the Community's SCTV models and heavily-increased financial losses on the part of Community companies together with an accelerated relocation of Community producers' assembly facilities outside the Community.

In this respect, the Commission notes that prices play a very important role in the market and price undercutting due to dumping has therefore an immediate negative effect on the prices practised by the Community industry. It should be stressed, as already indicated in recital 40 of Regulation (EEC) No 129/91, that the effects of the price undercutting found do not refer only to the models of SCTVs in the Community which may be considered to be directly comparable to the Hong Kong and Chinese exports, but that they apply to the whole range including the newest and most enhanced models. Undercutting at the lower-priced end of the range — the major volume market segment — naturally has a depressive effect on price throughout the whole SCTV range by reducing the consumer's perception of the value of the product and of the different features of the various models.

No new facts or new arguments concerning these findings were submitted to the Commission after the publication of Regulation (EEC) No 129/91. The Council therefore confirms the conclusions of the Commission as set out in recitals 49 to 53 of that Regulation.

G. COMMUNITY INTEREST

- (28) No further facts or arguments concerning this subject were submitted to the Commission by any of the parties. The Council therefore confirms the Commission's conclusions set out in recitals 54 to 57 of Regulation (EEC) No 129/91, that it is in the Community's interest to eliminate the injurious effects to the Community industry of the dumping determined. The benefits of such protection for the current viability and future development of that industry outweigh the possible disadvantages, of a

temporary nature, for the consumer in terms of limited price increase for certain imported SCTVs.

H. DUTY

- (29) Provisional measures took the form of anti-dumping duties. These were imposed at the level of the dumping margins determined, with the exception of one Chinese joint-venture exporter for which the level imposed was that adequate to remove the injury caused.
- (30) Although the Commission's findings on injury set out in Regulation (EEC) No 129/91 have now been modified, the level of duty necessary to remove the injury remains higher than the dumping margin definitively determined, with the exception of one Chinese joint venture exporter. Therefore, duties should be imposed at the level of the dumping margins found except for Fujian Hitachi Television Co. Ltd for whom the duty should be imposed at a level sufficient to eliminate the price undercutting.
- (31) As explained above in recital 19, the Commission decided to establish a single dumping margin for all the Chinese exporters with the exception of the two joint ventures concerned and, consequently, a single duty was established for these companies.

The Council confirms these conclusions.

I. COLLECTION OF PROVISIONAL DUTIES

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of small-screen colour television receivers with a diagonal screen size of more than 15,5 cm but no greater than 42 cm, whether or not combined in the same housing with a radio broadcast receiver and/or a clock, falling within CN code ex 8528 10 71 (Taric code: 8528 10 71*10) and originating in Hong Kong or in the People's Republic of China.

2. The rate of duty shall be 4,8 % of the net, free-at-Community-frontier price, before duty for products originating in Hong Kong (Taric additional code : 8500) and 15,3 % of the net, free-at-Community-frontier price, before duty for products originating in the People's Republic of China (Taric additional code : 8506).

However, the rates of duty for products specified in paragraph 1 and manufactured and sold for export by the following companies shall be as set out below, expressed as a percentage of the net, free-at-Community-frontier price, before duty :

	<i>Rate of duty %</i>	<i>Taric additional code</i>
<i>(a) Hong Kong</i>		
Cony Electronic Products Ltd	3,1	8494
Hanwah Electronics Ltd	4,8	8495
Kong Wah Electronic Enterprises Ltd	3,1	8496
Koyoda Electronics Ltd	4,6	8497
Luks Industrial Co. Ltd	4,1	8498
Tai Wah Television Industries Ltd	2,1	8499

(b) People's Republic of China

Fujian Hitachi Television Co. Ltd	13,1	8504
Huaquiang Sanyo Electronics Co. Ltd	7,5	8505

3. The provisions in force concerning customs duties shall apply to the said duty.

Article 2

The amounts collected or secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 129/91 shall be collected at the rates of duty definitively imposed where the definitive rate of duty is lower than the provisional anti-dumping duty and at the rates of provisional duty in all other cases. Secured amounts which are not covered by the rates of duty definitively imposed shall be released.

Article 3

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

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

Done at Brussels, 15 July 1991.

For the Council
The President
P. BUKMAN

COMMISSION REGULATION (EEC) No 2094/91

of 17 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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1844/91⁽⁵⁾, and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 16 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 18 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 1.

ANNEX

to the Commission Regulation of 17 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	125,90 ⁽²⁾ ⁽³⁾
0712 90 19	125,90 ⁽²⁾ ⁽³⁾
1001 10 10	163,16 ⁽¹⁾ ⁽⁵⁾
1001 10 90	163,16 ⁽¹⁾ ⁽⁵⁾
1001 90 91	152,23
1001 90 99	152,23
1002 00 00	134,47 ⁽⁶⁾
1003 00 10	137,69
1003 00 90	137,69
1004 00 10	112,43
1004 00 90	112,43
1005 10 90	125,90 ⁽²⁾ ⁽³⁾
1005 90 00	125,90 ⁽²⁾ ⁽³⁾
1007 00 90	136,74 ⁽⁴⁾
1008 10 00	28,96
1008 20 00	112,34 ⁽⁴⁾
1008 30 00	24,57 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	24,57
1101 00 00	226,12 ⁽⁸⁾
1102 10 00	201,26 ⁽⁸⁾
1103 11 10	265,90 ⁽⁸⁾
1103 11 90	244,21 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 2095/91

of 17 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 ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91 ⁽⁵⁾ 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 16 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 18 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 17 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	1,52	1,52	1,75
0712 90 19	0	1,52	1,52	1,75
1001 10 10	0	0	0	3,69
1001 10 90	0	0	0	3,69
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	1,52	1,52	1,75
1005 90 00	0	1,52	1,52	1,75
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 7	1st period 8	2nd period 9	3rd period 10	4th period 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 2096/91

of 17 July 1991

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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 export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 July 1991.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 17 July 1991 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,56 ⁽¹⁾	
1701 11 90 910	33,56 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,56 ⁽¹⁾	
1701 12 90 910	33,56 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3648
1701 99 10 100	36,48	
1701 99 10 910	36,48	
1701 99 10 950	33,98	
1701 99 90 100		0,3648

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

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

COMMISSION REGULATION (EEC) No 2097/91**of 16 July 1991****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3334/90⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 1991.

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

Done at Brussels, 16 July 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	56,54	2391	448,47	116,16	393,69	12706	43,41	86 438	130,84	39,51
1.20	0702 00 10 0702 00 90	Tomatoes	31,11	1316	247,26	63,95	216,77	6979	23,90	47 566	72,02	21,67
1.30	0703 10 19	Onions (other than seed)	18,09	765	143,78	37,19	126,05	4058	13,90	27 660	41,88	12,60
1.40	0703 20 00	Garlic	283,58	11 995	2 253,73	582,92	1 975,80	63 614	217,91	433 552	656,44	197,59
1.50	ex 0703 90 00	Leeks	31,69	1 342	249,61	65,25	221,05	7 103	24,39	48 368	73,54	22,07
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	111,88	4 727	881,91	229,55	781,19	24 749	86,13	171 354	258,72	78,54
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	23,05	975	182,88	47,36	160,54	5 181	17,70	35 248	53,35	16,11
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	65,16	2 755	516,83	133,86	453,71	14 643	50,03	99 614	150,79	45,53
1.100	ex 0704 90 90	Chinese cabbage	48,42	2 050	382,57	99,63	337,79	10 913	37,24	73 939	112,24	33,73
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	65,45	2 767	519,12	134,46	455,72	14 708	50,25	100 055	151,46	45,73
1.120	ex 0705 29 00	Endives	45,32	1 923	357,88	93,59	315,84	10 133	34,99	69 174	105,45	31,22
1.130	ex 0706 10 00	Carrots	32,74	1 384	259,75	67,27	228,02	7 359	25,14	50 064	75,78	22,88
1.140	ex 0706 90 90	Radishes	54,33	2 302	429,62	111,96	379,00	12 152	41,89	83 107	126,19	37,58
1.150	0707 00 11 0707 00 19	Cucumbers	37,78	1 598	300,29	77,67	263,25	8 476	29,03	57 767	87,46	26,32
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	284,99	12 055	2 264,97	585,83	1 985,65	63 931	219,00	435 714	659,71	198,58
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	110,44	4 671	877,75	227,02	769,50	24 775	84,86	168 853	255,66	76,95
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	137,14	5 801	1 089,93	281,91	955,52	30 764	105,38	209 670	317,46	95,55
1.180	ex 0708 90 00	Broad beans	40,17	1 701	317,44	82,67	280,28	9 055	30,90	61 351	93,13	27,99
1.190	0709 10 00	Globe artichokes	76,11	3 221	598,42	156,61	531,31	17 132	58,50	116 646	176,44	52,84
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	452,36	19 135	3 595,13	929,87	3 151,77	101 477	347,61	691 596	1 047,15	315,19
1.200.2	ex 0709 20 00	— other	302,03	12 787	2 386,34	621,48	2 107,02	68 076	232,31	461 204	700,14	210,44
1.210	0709 30 00	Aubergines (egg-plants)	64,21	2 715	509,36	131,93	447,15	14 431	49,31	98 174	148,61	44,87
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	63,90	2 705	504,88	131,48	445,78	14 403	49,15	97 577	148,13	44,52
1.230	0709 51 30	Chantarelles	547,80	23 223	4 305,96	1 127,97	3 777,47	112 445	420,46	845 160	1 271,93	383,30
1.240	0709 60 10	Sweet peppers	85,40	3 612	678,71	175,54	595,01	19 157	65,62	130 565	197,69	59,50
1.250	0709 90 50	Fennel	151,15	6 399	1 194,24	311,01	1 054,46	34 069	116,26	230 809	350,38	105,31
1.260	0709 90 70	Courgettes	59,97	2 536	475,68	123,20	417,58	13 477	46,05	91 683	138,78	41,91
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	72,78	3 080	573,11	149,64	502,35	15 180	55,82	112 490	168,76	50,99
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	87,98	3 716	694,15	180,34	612,04	18 967	67,47	135 667	203,31	61,65
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	56,47	2 388	448,84	116,09	393,49	12 669	43,39	86 343	130,73	39,35
2.30	ex 0804 30 00	Pineapples, fresh	36,03	1 524	286,41	74,08	251,09	8 084	27,69	55 097	83,42	25,11
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	107,86	4 562	857,25	221,72	751,53	24 197	82,88	164 910	249,69	75,15

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	126,73	5360	1007,21	260,51	883,00	28 429	97,38	193 757	293,36	88,30
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	30,70	1 298	244,00	63,11	213,91	6 887	23,59	46 938	71,06	21,39
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	49,20	2 081	391,07	101,15	342,85	11 038	37,81	75 231	113,90	34,28
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	29,71	1 256	236,15	61,08	207,03	6 665	22,83	45 429	68,78	20,70
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	115,18	4 870	913,57	236,62	801,99	25 883	88,44	176 080	266,54	80,49
2.70.2	ex 0805 20 30	— Monreales and Satsumas	89,26	3 774	707,98	183,37	621,51	20 059	68,53	136 456	206,56	62,37
2.70.3	ex 0805 20 50	— Mandarins and wilkings	100,89	4 271	797,16	207,60	703,86	22 741	77,60	154 067	233,88	70,29
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	84,36	3 568	670,50	173,42	587,81	18 925	64,83	128 984	195,29	58,78
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	50,00	2 115	397,42	102,79	348,41	11 217	38,42	76 453	115,75	34,84
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	62,67	2 651	498,10	128,83	436,68	14 059	48,16	95 821	145,08	43,67
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	51,69	2 186	410,87	106,27	360,20	11 597	39,72	79 040	119,67	36,02
2.90.2	ex 0805 40 00	— pink	72,98	3 087	580,05	150,03	508,52	16 372	56,08	111 585	168,95	50,85
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	238,60	10 092	1 896,27	490,46	1 662,42	53 524	183,34	364 786	552,32	166,25
2.110	0807 10 10	Water-melons	33,22	1 405	264,05	68,29	231,49	7 453	25,53	50 797	76,91	23,15
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cupe, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	33,58	1 420	266,91	69,03	233,99	7 534	25,80	51 346	77,74	23,40
2.120.2	ex 0807 10 90	— other	73,30	3 100	582,57	150,68	510,72	16 443	56,32	112 069	169,68	51,07
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	91,86	3 885	730,09	188,83	640,06	20 607	70,59	140 449	212,65	64,01
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	91,95	3 889	730,80	189,02	640,67	20 627	70,66	140 584	212,85	64,07
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	97,64	4 130	776,00	200,71	680,30	21 903	75,03	149 279	226,02	68,03
2.150	0809 10 00	Apricots	52,26	2 210	415,38	107,43	364,15	11 724	40,16	79 907	120,98	36,41
2.160	0809 20 10 0809 20 90	Cherries	178,15	7 535	1 415,86	366,21	1 241,25	39 964	136,89	272 369	412,39	124,13
2.170	ex 0809 30 00	Peaches	83,47	3 530	663,38	171,58	581,57	18 724	64,14	127 614	193,22	58,16

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	148,03	6 261	1 176,46	304,28	1 031,37	33 207	113,75	226 315	342,66	103,14
2.190	0809 40 11 0809 40 19	Plums	93,34	3 948	741,86	191,88	650,37	20 940	71,73	142 712	216,08	65,04
2.200	0810 10 10 0810 10 90	Strawberries	112,79	4 769	894,61	231,71	785,35	25 346	86,60	172 427	261,01	78,82
2.205	0810 20 10	Raspberries	1 336,1	56 503	10 597,8	2 745,00	9 303,49	300 265	1 025,9	2 042 614	3 092,02	933,75
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	145,50	6 146	1 147,96	298,25	1 012,17	31 366	111,57	224 360	336,22	101,95
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	155,45	6 575	1 235,44	319,54	1 083,08	34 871	119,45	237 662	359,84	108,31
2.230	ex 0810 90 80	Pomegranates	54,65	2 307	431,24	111,97	380,57	11 938	42,00	84 154	126,24	38,38
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	210,98	8 922	1 673,46	433,45	1 469,07	47 413	162,00	322 541	488,24	147,44
2.250	ex 0810 90 30	Lychees	252,89	10 697	2 009,82	519,83	1 761,96	56 729	194,32	386 630	585,39	176,20

COMMISSION REGULATION (EEC) No 2098/91

of 15 July 1991

on arrangements for imports into Spain of certain textile products (category 35),
originating in Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries⁽¹⁾, as last amended by Regulation (EEC) No 1215/91⁽²⁾, and in particular Article 11 thereof,

Whereas Article 11 of Regulation (EEC) No 4136/86 lays down the conditions under which quantitative limits may be established; whereas imports into Spain of certain textile products (category 35) specified in the Annex hereto and originating in Indonesia exceeded the level referred to in paragraph 3 of the said Article 11;

Whereas, in accordance with paragraph 5 of the said Article 11 of Regulation (EEC) No 4136/86, on 24 April 1991, Indonesia was notified of a request for consultations; whereas, pending a mutually satisfactory solution, importations into Spain of category 35 products have been submitted to a provisional limit for the period 24 April to 23 July 1991 by Commission Regulation (EEC) No 1215/91;

Whereas, as a result of consultations held on 3 June 1991 it was agreed to submit the textile products of category 35 to a quantitative limit for the period 24 April to 31 December 1991;

Whereas paragraph 13 of the said Article 11 of Regulation (EEC) No 4136/86 ensures that the quantitative limit is observed by means of a double-checking system in accordance with Annex VI to the said Regulation;

Whereas the products in question exported from Indonesia to Spain between 24 April 1991 and the date of entry into force of this Regulation must be set or against the quantitative limit;

Whereas this quantitative limit should not prevent the importation of products covered by it but shipped it from Indonesia to Spain before the date of entry into force of Regulation (EEC) No 1215/91;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2 imports into Spain of the category of products originating in Indonesia and specified in the Annex hereto shall be subject to the quantitative limit set out in that Annex.

Article 2

1. Products referred to in Article 1 shipped from Indonesia to Spain before the date of entry into force of Regulation (EEC) No 1215/91 and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped from Indonesia to Spain after the entry into force of Regulation (EEC) No 1215/91 shall continue to be subject to the double-checking system described in Annex VI to Regulation (EEC) No 4136/86.

3. All quantities of products shipped from Indonesia to Spain on or after 24 April 1991 and released for free circulation shall be deducted from the quantitative limit laid down in the Annex to this Regulation for the period 24 April to 31 December 1991. This limit shall not, however, prevent the importation of products covered by them but shipped from Indonesia before the date of entry into force of Regulation (EEC) No 1215/91.

Article 3

Regulation (EEC) No 1215/91 is hereby repealed.

*Article 4*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 1.⁽²⁾ OJ No L 116, 9. 5. 1991, p. 46.

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

Done at Brussels, 15 July 1991.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Category	CN code	Description	Third country	Units	Member State	Quantitative limits from 24 April to 31 December 1991
35	5407 10 00 5407 20 90 5407 30 00 5407 41 00 5407 42 10 5407 42 90 5407 43 00 5407 44 10 5407 44 90 5407 51 00 5407 52 00 5407 53 10 5407 53 90 5407 54 00 5407 60 10 5407 60 30 5407 60 51 5407 60 59 5407 60 90 5407 71 00 5407 72 00 5407 73 10 5407 73 91 5407 73 99 5407 74 00 5407 81 00 5407 82 00 5407 83 10 5407 83 90 5407 84 00 5407 91 00 5407 92 00 5407 93 10 5407 93 90 5407 94 00 ex 5811 00 00 ex 5905 00 70	Woven fabrics of synthetic fibres (continuous), other than those for types of category 114	Indonesia	tonnes	ES	1 588

In addition to the quantitative limit established for the period 24 April to 31 December 1991 an *ad hoc* exceptional quantity of 150 tonnes may be imported into Spain in 1991.

COMMISSION REGULATION (EEC) No 2099/91

of 15 July 1991

determining for the Member States, for the 1991 marketing year, the estimated loss of income and the estimated level of the premium payable per ewe and per female goat and fixing the first advance payment for this premium and of the specific aid for sheep and goat farming in certain less-favoured 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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1741/91⁽²⁾, and in particular Article 5 (6) thereof,

Whereas Article 5 (1) and (5) of Regulation (EEC) No 3013/89 provides for the granting of a premium to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are defined in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat is granted⁽³⁾, as last amended by Regulation (EEC) No 3519/86⁽⁴⁾; whereas Article 5 (8) of Regulation (EEC) No 3013/89 provides for the possibility of granting premiums to producers holding females of the ovine species of certain mountain breeds other than eligible ewes, in certain areas; whereas those sheep and those areas are defined in the Annex to Council Regulation (EEC) No 872/74⁽⁵⁾, as last amended by Regulation (EEC) No 1970/87⁽⁶⁾;

Whereas, pursuant to Article 5 (6) of Regulation (EEC) No 3013/89 and to enable an advance payment to be made to sheepmeat and goatmeat producers, the foreseeable loss of income should be estimated in the light of the foreseeable trend in market prices;

Whereas, pursuant to Article 23 (4) of Regulation (EEC) No 3013/89, the amount of the premium per ewe and per region for producers of heavy lambs is obtained transitionally for the 1991 marketing year by multiplying the loss of income referred to in paragraph 3 of that Article by a coefficient expressing for each region the annual

average production of heavy lamb meat per ewe producing these lambs expressed per 100 kilograms of carcase weight; whereas the coefficient for 1991 has not yet been fixed in view of the lack of full Community statistics; whereas, pending the fixing of that coefficient, a provisional coefficient should be used; whereas, for region 1 the loss of income must be reduced by the weighted average of the variable premiums actually granted and the foreseeable premiums for the remainder of the 1991 marketing year, such average being obtained in accordance with Article 24 (4) of that Regulation; whereas Article 23 (4) of that Regulation also fixes for the 1991 marketing year the amount per ewe for producers of light lambs, per female of the caprine species and per female of the ovine species other than eligible ewes, at 70 % of the premium per ewe for producers of heavy lambs;

Whereas, in accordance with Article 24 (8) of Regulation (EEC) No 3013/89, the losses of income in Great Britain on the one hand (impact of the non-deducted variable premium) and of Ireland-Northern Ireland on the other hand and the coefficients expressing the annual average production of heavy lamb meat per ewe producing these lambs are to be gradually merged into a single income loss and single coefficients in proportion to the actual dismantling of the variable slaughter premium during each marketing year;

Whereas, in accordance with Article 23 (5) of Regulation (EEC) No 3013/89, for the 1991 marketing year Greece has been authorized to apply the arrangements laid down in Article 22 (6) of that Regulation; whereas, as a result, provision should be made, on request by those concerned, for a premium per ewe equal in amount to the amount payable per ewe in region 2 for producers of heavy lambs to be granted in Greece if the beneficiaries have shown, to the satisfaction of the competent authority, that the lambs born of the ewes they hold have not been slaughtered before the age of two months; whereas the same paragraph also lays down, for the 1991 marketing year, that a premium per she-goat equal in amount to 80 % of the premium payable per ewe in region 2 for producers of heavy lambs shall be granted in the regions of that Member State if beneficiaries have shown, to the satisfaction of the competent authority, that the kids born of the she-goats they hold have not been slaughtered before the age of two months;

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽⁶⁾ OJ No L 184, 3. 7. 1987, p. 23.

Whereas, pursuant to Article 8 of Regulation (EEC) No 3013/89, the premium must be reduced by the impact on the basic price of the coefficient provided for in Article 8 (2) of that Regulation; whereas that coefficient was fixed provisionally by Commission Regulation (EEC) No 3546/91 ⁽¹⁾ on the application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1991 marketing year;

Whereas, in accordance with Article 5 (6) of Regulation (EEC) No 3013/89, the half-yearly advance payment is fixed at 30 % of the expected premium; whereas, in accordance with Article 4 (3) of Commission Regulation (EEC) No 3007/84 ⁽²⁾, as last amended by Regulation (EEC) No 1260/90 ⁽³⁾, the advance payment is to be paid only if it is equal to or greater than ECU 1;

Whereas, under Regulation (EEC) No 1323/90 of 14 May 1990 ⁽⁴⁾, as amended by Regulation (EEC) No 1743/91 ⁽⁵⁾, the Council instituted specific aid for sheep and goat farming in certain less-favoured areas of the Community, the amounts of which it has fixed for the 1991 marketing year, whereas it lays down that the aid is to be granted under the same conditions as those for the grant of the premium for producers of sheepmeat and goatmeat; whereas, as a result, provision should be made for the limits and the rates of payment laid down in Article 5 (7) of Regulation (EEC) No 3013/89 to apply equally to this specific aid; whereas, as regards Greece, further provision should be made to fix the amount for animals satisfying the conditions laid down in Article 22 (6) of Regulation (EEC) No 3013/89 and the amount applicable to other animals qualifying for the premium for producers of sheepmeat and goatmeat; whereas, in view of the especially difficult situation on the market, provision should be made for Member States to be authorized, for the 1991 marketing year, to pay the full amount of the aid with immediate effect;

Whereas the Management Committee for Sheep and Goats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

A difference is hereby estimated between the basic price, reduced by the impact of the coefficient laid down in Article 8 (2) of Regulation (EEC) No 3013/89, and the foreseeable market price during the 1991 marketing year for the following regions:

⁽¹⁾ OJ No L 344, 8. 12. 1990, p. 23.

⁽²⁾ OJ No L 283, 10. 10. 1984, p. 28.

⁽³⁾ OJ No L 124, 15. 5. 1990, p. 15.

⁽⁴⁾ OJ No L 132, 23. 5. 1990, p. 17.

⁽⁵⁾ OJ No L 163, 26. 6. 1991, p. 44.

(ECU/100 kg)

Region	Difference
1	178,152
2	129,703
— Ireland-Northern Ireland	160,004
— Greece	17,233

Article 2

1. The estimated amount of the premium payable per ewe and per region is as follows:

(in ecus)

Region	Estimated amount of the premium payable per ewe	
	Producers of heavy lambs	Producers of light lambs
1	15,717	11,002
2 — Ireland-Northern Ireland	25,601	17,921
— Remainder of region 2	20,752	14,526
— Greece: (Article 23 (5) of Regulation (EEC) No 3013/89)	20,752	20,752
— Greece (other ewes)	1,733	1,206

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the advance that the Member States are authorized to pay to producers shall be as follows:

(in ecus)

Region	Advance payable per ewe	
	Producers of heavy lambs	Producers of light lambs
1	4,715	3,301
2 — Ireland-Northern Ireland	7,680	5,376
— Remainder of region 2	6,226	4,358
— Greece: (Article 23 (5) of Regulation (EEC) No 3013/89)	6,226	6,226
— Greece (other ewes)	—	—

Article 3

1. The estimated amount of the premium payable per female of the caprine species and per region in the areas designated in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Regulation (EEC) No 1065/86 is as follows:

(in ecus)

Region	Estimated amount of the premium payable per female of the caprine species
2 Rest of region 2	14,526
— Greece: (Article 23 (5) of Regulation (EEC) No 3013/89)	16,601
— Greece (other females)	1,206

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the advance which the Member States are authorized to pay to goatmeat producers located in the areas designated in paragraph 1 shall be as follows :

(in ecus)	
Region	Advance on premium payable per female of the caprine species
2 Rest of region 2	4,358
— Greece (Article 23 (5) of Regulation (EEC) No 3013/89)	4,983
— Greece (other females)	—

Article 4

1. The estimated amount of the premium payable per female of the ovine species other than eligible ewes and per region in the areas mentioned in the Annex to Regulation (EEC) No 872/84 is as follows :

(in ecus)	
Region	Estimated amount of the premium payable per female of ovine species other than eligible ewes
1	11,002

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the advance which Member States are authorized to pay to producers holding females of the ovine species other than eligible ewes located in the areas referred to in paragraph 1 shall be as follows :

(in ecus)	
Region	Advance on premium payable per female of the ovine species other than eligible ewes
1	3,301

Article 5

Pursuant to Article 1 (2) of Regulation (EEC) No 1323/90, the amount which Member States are authorized to pay to producers of sheepmeat and goatmeat located in less-favoured areas within the meaning of Council Directive 75/268/EEC ⁽¹⁾, within the limits and at the rates provided for in Article 5 (7) and the second indent of the second subparagraph of Article 5 (8) of Regulation (EEC) No 3013/89 is hereby fixed as follows :

- ECU 4 per ewe for the producers referred to in Article 5 (2) and (4) of that Regulation,
- ECU 2,8 per ewe for the producers referred to in Article 5 (3) of that Regulation,
- ECU 2,8 per she-goat for the producers referred to in Article 5 (5) of that Regulation,
- ECU 2,8 per female of the ovine species where Article 5 (8) of that Regulation applies.

However, for Greece, where Article 22 (6) of that Regulation applies, the amount is hereby fixed as follows :

- animals satisfying the conditions laid down in these provisions :
 - ECU 4 per ewe,
 - ECU 3,2 per she-goat, and
 - ECU 4 per ewe producing heavy lambs,
- other animals :
 - ECU 2,8 per ewe producing light lambs, and
 - ECU 2,8 per she-goat ;

Article 6

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

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

Done at Brussels, 15 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

COMMISSION REGULATION (EEC) No 2100/91

of 17 July 1991

concerning intervention in the rice sector in Portugal during the 1991/92 marketing year

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 257 thereof,

Whereas Article 257 of the said Act of Accession currently applies pursuant to Council Regulation (EEC) No 4007/87 of 22 December 1987 extending the period referred to in Articles 90(1) and 257(1) of the Act of Accession of Spain and Portugal⁽¹⁾, as last amended by Regulation (EEC) No 3836/90⁽²⁾;

Whereas the structural difficulties encountered in Portugal, in particular with regard to the marketing of rice, at the beginning of the second stage are making the integration of the Portuguese rice market into the common organization of the market difficult;

Whereas the application during the next marketing year, from 1 September 1991, of the measures provided for in Article 5(1) of Council Regulation (EEC) No 1418/76⁽³⁾ should resolve these difficulties;

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

Notwithstanding Article 5(1) of Regulation (EEC) No 1418/76, during the 1991/92 marketing year intervention buying of rice harvested in Portugal may take place in that Member State from 1 September 1991 until 31 July 1992.

Article 2

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

It shall apply from 1 September 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 378, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 367, 29. 12. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

COMMISSION REGULATION (EEC) No 2101/91

of 17 July 1991

amending Regulations (EEC) No 646/86, (EEC) No 2267/90 and (EEC) No 1641/91
as regards the calculation of the alcoholic strength by volume of certain wine
sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal, and in particular Article 123 (2) thereof,

Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EEC)
No 1434/91 ⁽²⁾, and in particular Article 56 (4) thereof,

Having regard to Council Regulation (EEC) No 1677/85
of 11 June 1985 on monetary compensatory amounts in
agriculture ⁽³⁾, as last amended by Regulation (EEC) No
2205/90 ⁽⁴⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 480/86 of
25 February 1988 laying down general rules of application
of the regulatory amounts applicable to trade in certain
wine sector products between the Community as consti-
tuted on 31 December 1985 and Spain ⁽⁵⁾, and in parti-
cular Article 11 thereof,

Whereas Commission Regulations (EEC) No 646/86 ⁽⁶⁾, as
last amended by Regulation (EEC) No 3887/90 ⁽⁷⁾, and
(EEC) No 1641/91 ⁽⁸⁾, as last amended by Regulation
(EEC) No 1961/91 ⁽⁹⁾, fix respectively the export refunds
and the monetary compensatory amounts in the wine
sector; whereas for certain product codes in the Annexes
to those Regulations the amounts are expressed in ecus
per % vol and hectolitre without the alcoholic strength to
be used being specified;

Whereas Commission Regulation (EEC) No 2267/90 ⁽¹⁰⁾
fixes, for the 1990/91 marketing year, the regulatory
amounts applicable to imports into the Community of

Ten of certain wine sector products from Spain; whereas
for some wines these amounts are expressed in ecus per
% vol and hectolitre without the alcoholic strength to be
used being specified;

Whereas, if the rules on calculation are to be applied
uniformly, it is advisable to state explicitly that the alco-
holic strength to be used for these products is the total
alcoholic strength by volume as defined in Annex II to
Regulation (EEC) No 822/87;

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

Annex II to Regulation (EEC) No 646/86 is hereby
replaced by the Annex to this Regulation.

Article 2

Footnote ⁽¹⁾ to the Annex to Regulation (EEC) No
2267/90 is hereby replaced by the following:

'⁽¹⁾ ECU per % vol per hectolitre (total alcoholic
strength by volume as defined in Annex II to
Regulation (EEC) No 822/87) (2) thereof.'

Article 3

Footnote ⁽¹⁾ to Part 6 of Annex I to Regulation (EEC) No
1641/91 is hereby replaced by the following:

'⁽¹⁾ Per % vol per hectolitre (total alcoholic strength
by volume as defined in Annex II to Regulation
(EEC) No 822/87).'

Article 4

This Regulation shall enter into force on 5 August 1991.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 6.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 54, 1. 3. 1986, p. 2.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 46.

⁽⁷⁾ OJ No L 367, 29. 12. 1990, p. 146.

⁽⁸⁾ OJ No L 153, 17. 6. 1991, p. 1.

⁽⁹⁾ OJ No L 182, 8. 7. 1991, p. 1.

⁽¹⁰⁾ OJ No L 204, 2. 8. 1990, p. 24.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

ANNEX II

Product code	For export to (*)	Refund amount applicable in the Community as constituted at 31 December 1985	Refund amount applicable in Spain
		in ecus/% vol/hl (*)	
2009 60 11 100	01 ; 02 ; 09	1,30	0,90
2009 60 19 100	01 ; 02 ; 09	1,30	0,90
2009 60 51 100	01 ; 02 ; 09	1,30	0,90
2009 60 71 100	01 ; 02 ; 09	1,30	0,90
		in ecus/hl	
2204 21 25 110	02 ; 09	5,50	—
		in ecus/% vol/hl (*)	
2204 21 25 130	02 ; 09	0,80	—
2204 21 25 190	02	1,80	1,30
	09	1,65	1,10
		in ecus/hl	
2204 21 25 910	02 ; 09	5,50	—
		in ecus/% vol/hl (*)	
2204 21 29 130	02 ; 09	0,80	—
2204 21 29 190	02	1,80	1,61
	09	1,65	1,46
		in ecus/hl	
2204 21 35 110	02 ; 09	5,50	—
		in ecus/% vol/hl (*)	
2204 21 35 130	02 ; 09	0,80	—
2204 21 35 190	02	1,80	1,30
	09	1,65	1,10
2204 21 39 130	02 ; 09	0,80	—
2204 21 39 190	02	1,80	1,61
	09	1,65	1,46
		in ecus/hl	
2204 21 49 910	02 ; 09	17,25	—
2204 21 59 910	02 ; 09	17,25	—
2204 29 25 110	02 ; 09	5,50	—
		in ecus/% vol/hl (*)	
2204 29 25 130	02 ; 09	0,80	—
2204 29 25 190	02	1,80	1,30
	09	1,65	1,10

Product code	For export to ⁽¹⁾	Refund amount applicable in the Community as constituted at 31 December 1985	Refund amount applicable in Spain
in ecus/hl			
2204 29 25 910	02 ; 09	5,50	—
in ecus/% vol/hl ⁽²⁾			
2204 29 29 130	02 ; 09	0,80	—
2204 29 29 190	02	1,80	1,61
	09	1,65	1,46
in ecus/hl			
2204 29 35 110	02 ; 09	5,50	—
in ecu/% vol/hl ⁽²⁾			
2204 29 35 130	02 ; 03	0,80	—
2204 29 35 190	02	1,80	1,30
	09	1,65	1,10
2204 29 39 130	02	0,80	—
2204 29 39 190	02	1,80	1,61
	09	1,65	1,46
in ecus/hl			
2204 29 49 910	02 ; 09	17,25	—
2204 29 59 910	02 ; 09	17,25	—
in ecus/% vol/hl ⁽²⁾			
2204 30 91 100	01 ; 02 ; 09	1,30	0,90
2204 30 99 100	01 ; 02 ; 09	1,30	0,90

⁽¹⁾ The destinations are as follows :

01 Venezuela ;

02 All countries of the African continent with the exception of those explicitly excluded under 09 ;

09 All other destinations with the exception of the following third countries :

- all countries of the American continent within the meaning of Commission Regulation (EEC) No 3639/86, as extended by Regulation (EEC) No 634/89 (OJ No L 70, 14. 3. 1989, p. 17),
- South Africa,
- Algeria,
- Australia,
- Austria,
- Cyprus,
- Israel,
- Morocco,
- Switzerland,
- Tunisia,
- Turkey,
- Yugoslavia (from 1 September 1991).

⁽²⁾ Potential alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

⁽³⁾ Total alcoholic strength by volume as defined in Annex II to Regulation (EEC) No 822/87.

NB : The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended by Regulation (EEC) No 3399/90 (OJ No L 331, 29. 11. 1990, p. 1).'

COMMISSION REGULATION (EEC) No 2102/91

of 17 July 1991

on the reduction coefficient on cereals for the 1991/1992 marketing year
concerning the overall amounts of the aid under the special arrangements
applicable to small producers

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 3577/90⁽²⁾, and in particular Article 4b (5) thereof,

Whereas Article 2 (3) of Council Regulation (EEC) No
729/89 of 20 March 1989 laying down general rules for
the special arrangements applicable to small producers as
part of the co-responsibility arrangements in the cereals
sector⁽³⁾, as last amended by Regulation (EEC) No
1708/91⁽⁴⁾, provides that the overall amount and the
amounts allocated to the Member States are to be multi-
plied by a coefficient to take account of the additional
co-responsibility levy actually applied; whereas that coef-
ficient should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The coefficient referred to in Article 2 (3) of Regulation
(EEC) No 729/89 shall be 0,625.

Article 2

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

It shall apply from 1 June 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 80, 23. 3. 1989, p. 5.

⁽⁴⁾ OJ No L 162, 26. 6. 1991, p. 10.

COMMISSION REGULATION (EEC) No 2103/91**of 17 July 1991****fixing the maximum export refund for white sugar for the 12th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91**

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 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 963/91 of 18 April 1991 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 963/91, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 12th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 12th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 963/91 the maximum amount of the export refund is fixed at ECU 39,060 per 100 kilograms.

Article 2

This Regulation shall enter into force on 18 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 100, 20. 4. 1991, p. 9.

COMMISSION REGULATION (EEC) No 2104/91

of 17 July 1991

fixing the import levy on molasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1854/91 ⁽³⁾, as last amended by Regulation (EEC) No 2015/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1854/91 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

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

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

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

Whereas these exchange rates being those recorded on 16 July 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,29 per 100 kilograms.

Article 2

This Regulation shall enter into force on 18 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 27.

⁽⁴⁾ OJ No L 185, 11. 7. 1991, p. 10.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2105/91

of 17 July 1991

on import licences for poultrymeat products originating in the African, Caribbean, and Pacific states or in the overseas countries and territories

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

Having regard Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 523/81 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90 ⁽³⁾, as amended by Regulation (EEC) No 1741/90 ⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to 10 July 1991 without exceeding the quotas,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged in accordance with Regulation (EEC) No 903/90 for the period 1 July to 31 December 1991 shall be accepted in full.

Article 2

This Regulation shall enter into force on 22 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 93, 10. 4. 1990, p. 20.

⁽⁴⁾ OJ No L 161, 27. 6. 1990, p. 32.

COMMISSION REGULATION (EEC) No 2106/91
of 17 July 1991
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation (EEC) No 565/68⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and

geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70⁽⁸⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2164/72⁽⁹⁾, as amended by Regulation (EEC) No 3987/87⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 19 July 1991.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 17 July 1991 fixing additional amounts for poultrymeat products

(ECU/100 kg)

CN code	Origin of imports (1)	Additional amount
0207 39 11	01	60,00
0207 41 10	01	60,00
0207 39 77	03	10,00
0207 43 63	03	10,00
1602 39 11	04	70,00

(1) Origin :

- 01 China
- 02 Hungary
- 03 Bulgaria and China
- 04 Czechoslovakia.

COMMISSION REGULATION (EEC) No 2107/91

of 17 July 1991

altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 1785/81
of 18 June 1981 on the common organization of the
markets in the sugar sector ⁽¹⁾, as last amended by Regula-
tion (EEC) No 464/91 ⁽²⁾, and in particular Article 19 (4)
thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No 1853/91 ⁽³⁾,
as amended by Regulation (EEC) No 2021/91 ⁽⁴⁾;

Whereas it follows from applying the rules, criteria and
other provisions contained in amended Regulation (EEC)

No 1853/91 to the information at present available to the
Commission that the export refunds at present in force
should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to amended Regulation (EEC) No 1853/91 are
hereby altered to the amounts shown in the Annex
hereto.

Article 2

This Regulation shall enter into force on 18 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 24.

⁽⁴⁾ OJ No L 185, 11. 7. 1991, p. 19.

ANNEX

to the Commission Regulation of 17 July 1991 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		36,48
1702 60 10 000		36,48
1702 60 90 000	0,3648	
1702 90 30 000		36,48
1702 90 60 000	0,3648	
1702 90 71 000	0,3648	
1702 90 90 900	0,3648	
2106 90 30 000		36,48
2106 90 59 000	0,3648	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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

COMMISSION REGULATION (EEC) No 2108/91

of 17 July 1991

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to 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⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1886/91⁽⁷⁾, as last amended by Regulation (EEC) No 2074/91⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

(¹) OJ No L 281, 1. 11. 1975, p. 1.
 (²) OJ No L 353, 17. 12. 1990, p. 23.
 (³) OJ No L 166, 25. 6. 1976, p. 1.
 (⁴) OJ No L 177, 24. 6. 1989, p. 1.
 (⁵) OJ No L 164, 24. 6. 1985, p. 1.
 (⁶) OJ No L 201, 31. 7. 1990, p. 9.
 (⁷) OJ No L 168, 29. 6. 1991, p. 88.
 (⁸) OJ No L 191, 16. 7. 1991, p. 30.
 (⁹) OJ No L 182, 3. 7. 1987, p. 49.
 (¹⁰) OJ No L 281, 1. 11. 1975, p. 65.

— 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 16 July 1991;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1886/91 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 18 July 1991.

(¹¹) OJ No L 168, 25. 6. 1974, p. 7.
 (¹²) OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 17 July 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 17 July 1991 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) ^(*)
0714 10 10 ⁽¹⁾	133,37	140,02
0714 10 91	137,00 ⁽²⁾ ⁽⁷⁾	137,00
0714 10 99	135,19	140,02
0714 90 11	137,00 ⁽²⁾ ⁽⁷⁾	137,00
0714 90 19	135,19 ⁽²⁾	140,02
1102 90 10	246,60	252,64
1103 19 30	246,60	252,64
1103 29 20	246,60	252,64
1104 11 10	139,74	142,76
1104 11 90	274,00	280,04
1104 21 10	219,20	222,22
1104 21 30	219,20	222,22
1104 21 50	342,50	348,54
1104 21 90	139,74	142,76
1106 20 10	133,37 ⁽²⁾	140,02
1107 10 91	243,86	254,74 ⁽²⁾
1107 10 99	182,21	193,09
1107 20 00	212,35	223,23 ⁽²⁾

⁽¹⁾ 6 % *ad valorem*, subject to certain conditions.

⁽²⁾ In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

⁽⁷⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 July 1991

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of Protocol 2 establishing for the period 1 April 1991 to 29 February 1992 the crawfish fishing opportunities and the corresponding financial compensation provided for in the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco

(91/360/EEC)

THE COUNCIL 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 155 (2) (b) thereof,

Having regard to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco signed in Rabat on 26 May 1988 ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Kingdom of Morocco conducted negotiations to determine the amendments or additions to be made to the Agreement on relations in the sea fisheries sector at the end of the period of application of Protocol 2;

Whereas, as a result of these negotiations, a new Protocol 2 was initialled on 19 March 1991;

Whereas, under that Protocol, Community fishermen benefit from fishing opportunities in the waters under the sovereignty or jurisdiction of the Kingdom of Morocco for the period 1 April 1991 to 29 February 1992;

Whereas, under Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries

agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the Protocol in question be approved as soon as possible; whereas, for this reason, the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from 1 April 1991; whereas the Agreement in the form of an exchange of letters should be concluded pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of Protocol 2 establishing for the period 1 April 1991 to 29 February 1992 the crawfish fishing opportunities and corresponding financial compensation provided for in the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, in so far as is necessary for its application, the provi-

⁽¹⁾ OJ No L 181, 12. 7. 1988, p. 1.

sions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the relevant authorities at local level ('registros de base') in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands⁽²⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 8 July 1991.

For the Council

The President

P. BUKMAN

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1. Regulation as amended by Regulation (EEC) No 3902/89 (OJ No L 375, 23. 12. 1989, p. 5).

AGREEMENT

in the form of an exchange of letters concerning the provisional application of Protocol 2 establishing for the period 1 April 1991 to 29 February 1992 the crawfish fishing opportunities and corresponding financial compensation provided for in the Agreement on relations in the sea fisheries sector between the European Economic Community and the Government of the Kingdom of Morocco

A. Letter from the Government of the Kingdom of Morocco

Sir,

With reference to Protocol 2 initialled on 19 March 1991 establishing crawfish fishing opportunities and the corresponding financial compensation for the period 1 April 1991 to 29 February 1992, I have the honour to inform you that the Government of Morocco is ready to apply this Protocol on a provisional basis with effect from 1 April 1991, pending its entry into force in accordance with Article 6 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that the financial compensation specified in Article 4 of the Protocol is paid before 30 August 1991.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the
Government of the Kingdom of Morocco*

B. Letter from the Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'With reference to Protocol 2 initialled on 19 March 1991 establishing crawfish fishing opportunities and the corresponding financial compensation for the period 1 April 1991 to 29 February 1992. I have the honour to inform you that the Government of the Kingdom of Morocco is ready to apply this Protocol on a provisional basis with effect from 1 April 1991, pending its entry into force in accordance with Article of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that the financial compensation specified in Article 4 of the Protocol is paid before 30 August 1991.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of
the Council of the European Communities*

PROTOCOL 2

establishing for the period 1 April 1991 to 29 February 1992 the crawfish fishing opportunities and corresponding financial compensation provided for in the agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco

THE PARTIES TO THIS PROTOCOL:

Having regard to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco, signed in Rabat on 26 May 1988,

HAVE AGREED AS FOLLOWS:

Article 1

From 1 April 1991 to 29 February 1992 five crawfish fishing licences using only pots shall be granted each month for a total GRT not exceeding an average of 600 in the southern zone. Unused GRT in the course of one three-month period may be offset during the following three-month periods.

Vessels holding a crawfish fishing licence may only retain pots on board.

Article 2

At the request of Morocco and with a view to increasing knowledge of crawfish stocks, vessels authorized under this Protocol undertake to take on board a scientific observer designated by the Moroccan Ministry of Maritime Fishing and the Merchant Navy.

The observer's conditions on board shall be those provided for in the Annex to the abovementioned Agreement.

Article 3

In accordance with the relevant Moroccan regulations, vessels authorized under this Protocol shall not fish for crawfish in the period 1 July to 30 September of each year, corresponding to the peak reproduction period of these species.

Article 4

The financial compensation for the period provided for in Article 1 shall be set at ECU 360 000, payable to the account of the Ministry for Maritime Fishing and the Merchant Navy at the Moroccan Treasury.

Article 5

Protocol 2 annexed to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco for the period 1 April 1990 to 31 March 1991 is hereby replaced by this Protocol.

Article 6

This Protocol shall enter into force on the date on which it is signed. It shall be provisionally applicable from 1 April 1991.

COMMISSION

COMMISSION DECISION

of 14 June 1991

amending Council Decision 79/542/EEC drawing up a list of third countries from which Member States authorize imports of bovine animals, swine and fresh meat and supplementing the list as regards meat products

(91/361/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Decision 79/542/EEC is hereby amended as follows:

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⁽¹⁾, as last amended by Directive 91/69/EEC⁽²⁾, and in particular Article 3 thereof,

1. the title is replaced by the following:

'Council Decision of 21 December 1976 drawing up a list of third countries from which the Member States authorize imports of bovine animals, swine, fresh meat and meat products';

Whereas Council Directive 89/227/EEC⁽³⁾ extended the scope of Directive 72/462/EEC to include imports of meat products;

2. the following paragraph is added to Article 1:

'2. Without prejudice to paragraph 1, Member States shall import certain meat products from all domestic species coming from third countries appearing in the Annex.

Whereas by Council Decision 79/542/EEC⁽⁴⁾, as last amended by Commission Decision 90/485/EEC⁽⁵⁾, the Council established a list of third countries from which Member States authorize imports of bovine animals, swine and fresh meat;

In the case of imports of fresh meat coming from certain third countries or parts thereof not authorized in accordance with paragraph 1, Member States may, however, import meat products made from such fresh meat provided the meat products have undergone a special treatment as laid down in the Annex.';

Whereas that Decision must now be amended to cover imports of meat products;

3. the Annex is replaced by the Annex to this Decision.

Article 2

Whereas the measures applicable to the importation of fresh meat must be taken into account when imports of meat products are authorized; whereas some meat products may be imported only after being subjected to a particular heat treatment;

This Decision is addressed to the Member States.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 46, 19. 2. 1991, p. 37.

⁽³⁾ OJ No L 93, 6. 4. 1989, p. 25.

⁽⁴⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁵⁾ OJ No L 267, 29. 9. 1990, p. 46.

‘ANNEX

[illegible]

Country	Fresh meat and meat products				Fresh meat	Live animals		Special remarks	
	Domestic				Wild			Fresh meat	Meat products
	B	S/G	P	S/P	C/H	B	P		
United States of America	×	×	×	×	×	×	×		
Uruguay	×	×		×					(¹)
Union of Soviet Socialist Republics	×	×	×	×	×	×	×	(¹)	(²)
Yugoslavia	×	×	×	×	×	×	×		
Zimbabwe	×								(³)

B: Bovines (including buffalo).

S/G: sheep/goat.

P: Pig.

S/P: Solipeds.

C/H: Cloven hoofed.

×: Authorized.

Special remarks:

(¹) Excluding meat of wild swine.

(²) Excluding bone in meat and offal of wild cloven hoofed animals.

(³) Notwithstanding any restrictions indicated in the above list, meat products which have undergone a heat treatment in a hermetically sealed container to a Po value of 3 or more are authorized.

COMMISSION DECISION

of 20 June 1991

amending the Annex to Commission Decision 90/411/EEC concerning the areas referred to in Article 3 (2) of Council Regulation (EEC) No 328/88 instituting a Community programme to assist the conversion of steel areas (Resider programme)

(Only the Spanish text is authentic)

(91/362/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 328/88 of 2 February 1988 instituting a Community programme to assist the conversion of steel areas (Resider programme)⁽¹⁾, and in particular Articles 3 and 4 thereof,

Whereas Article 3 (2) of Regulation (EEC) No 328/88 stipulates that the Community programme shall apply to areas which satisfy the criteria specified in Article 3 (1) and the thresholds laid down in Article 4 (1);

Whereas the Kingdom of Spain submitted an application to the Commission in respect of the Autonomous Community of Asturias and areas of the Basque Country including the municipalities of Hernani and Etxebarria DE which satisfy the abovementioned criteria;

Whereas as a result of a typing error, Commission Decision 90/411/EEC⁽²⁾ omits in the Annex thereto the municipality of Hernani and gives an incorrect spelling of the municipality of Etxebarria DE which necessitates an amendment of that Annex,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Commission Decision 90/411/EEC is hereby amended as follows:

1. the municipality of 'Hernani' is inserted between 'Gabria' and 'Hernialde';
2. the name 'Echebarria' is replaced by 'Etxebarria DE'.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 20 June 1991.

For the Commission

Bruce MILLAN

Member of the Commission

⁽¹⁾ OJ No L 33, 5. 2. 1988, p. 1.

⁽²⁾ OJ No L 209, 8. 8. 1990, p. 23.

COMMISSION DECISION

of 27 June 1991

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/363/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EEC) No 523/91 ⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 815/91 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 July 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from third countries ⁽⁵⁾, as last amended by Directive 91/266/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 27 June 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 895,00 tonnes originating in Botswana,
- 81,00 tonnes originating in Swaziland,
- 16,80 tonnes originating in Zimbabwe;

United Kingdom:

- 1 450,00 tonnes originating in Botswana,
- 68,00 tonnes originating in Zimbabwe,
- 1 685,00 tonnes originating in Namibia;

Netherlands:

- 815,00 tonnes originating in Botswana;

Italy:

- 55,25 tonnes originating in Madagascar.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of July 1991 in respect of the following quantities of boned beef and veal:

- | | |
|---------------|-------------------|
| — Botswana: | 11 537,80 tonnes, |
| — Kenya: | 142,00 tonnes, |
| — Madagascar: | 7 511,25 tonnes, |
| — Swaziland: | 2 807,00 tonnes, |
| — Zimbabwe: | 8 913,91 tonnes, |
| — Namibia: | 7 024,99 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 134, 29. 5. 1991, p. 45.

COMMISSION DECISION

of 27 June 1991

fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued under Regulations (EEC) No 1444/91

(91/364/EEC)

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat ⁽³⁾, and in particular Article 12 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat ⁽⁴⁾ supplements the provisions of Regulation (EEC) No 3446/90 and lays down in particular detailed rules governing invitations to tender;

Whereas Commission Regulation (EEC) No 1444/91 ⁽⁵⁾ open invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas, in accordance with Article 12 (1) (f) of Regulation (EEC) No 3446/90, a maximum amount of aid for private storage should be fixed on the basis of tenders received or no action must be taken in respect of the invitation to tender;

Whereas the tenders received lead to action being taken in respect of the invitations to tender;

Whereas the Management Committee for Sheep and Goats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS DECISION:

Article 1

The aid referred to in Article 12 (1) (f) of Regulation (EEC) No 3446/90 for the invitations to tender opened by 1444/91 shall be as follows: ECU 1 358/tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 333, 30. 11. 1990, p. 46.

⁽⁵⁾ OJ No L 137, 31. 5. 1991, p. 35.

COMMISSION DECISION

of 27 June 1991

authorizing the United Kingdom and the Federal Republic of Germany to permit temporarily the marketing of black medick seed not satisfying the requirements of Council Directive 66/401/EEC

(91/365/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Directive 90/654/EEC⁽²⁾, and in particular Article 17 thereof,

Having regard to Commission Directive 86/109/EEC of 27 February 1986, limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed'⁽³⁾, as last amended by Directive 89/424/EEC⁽⁴⁾, and in particular Article 2a thereof,

Having regard to the requests submitted by the United Kingdom and the Federal Republic of Germany,

Whereas Directive 86/109/EEC provides that from 1 July 1990, it shall not be permitted to place on the market seed of black medick (*Medicago lupulina* L.) unless it has been officially certified as 'basic seed' or 'certified seed';

Whereas the United Kingdom and the Federal Republic of Germany do not have a sufficient supply of 'basic seed' or 'certified seed' of the abovementioned species to satisfy the present demand;

Whereas it is not possible to cover this demand satisfactorily with such seed from other Member States or from third countries satisfying all the requirements laid down in Directive 66/401/EEC;

Whereas the United Kingdom and the Federal Republic of Germany should therefore be authorized to permit for a period expiring on 16 September 1991 the marketing of seed of the abovementioned species which does not satisfy the requirements laid down in the said Directive;

Whereas, moreover, other Member States, which are able to supply the United Kingdom and the Federal Republic of Germany with such seed not satisfying the requirements of the said Directive should be authorized to permit the marketing of such seed provided it is intended for the United Kingdom or the Federal Republic of Germany;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. The United Kingdom is authorized to permit, for a period expiring on 16 September 1991, the marketing in its territory of a maximum of 9 300 kilograms of commercial seed of black medick (*Medicago lupulina* L.). The official label shall state: 'Intended exclusively for the United Kingdom'.

2. The Federal Republic of Germany is authorized to permit, for a period expiring on 16 September 1991, the marketing in its territory of a maximum of 100 000 kilograms of commercial seed of black medick (*Medicago lupulina* L.). The official label shall state: 'Intended exclusively for the Federal Republic of Germany'.

3. Before 15 July 1991 it shall be determined whether it is necessary to postpone the date of 16 September 1991 in paragraphs (1) and (2) above to 31 October 1991.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a total amount of 109 300 kilograms of commercial seed of black medick (*Medicago lupulina* L.) provided that it is intended exclusively for the United Kingdom or the Federal Republic of Germany. The official label shall state: 'Intended exclusi-

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 48.

⁽³⁾ OJ No L 93, 8. 4. 1986, p. 21.

⁽⁴⁾ OJ No L 196, 12. 7. 1989, p. 50.

vely for the United Kingdom' or 'Intended exclusively for the Federal Republic of Germany', as the case may be.

Article 4

This Decision is addressed to the Member States.

Article 3

Done at Brussels, 27 June 1991.

Member States shall notify the Commission before 30 November 1991 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

For the Commission

Ray MAC SHARRY

Member of the Commission
