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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2454/91

of 13 August 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 12 August 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 14 August 1991.

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

Done at Brussels, 13 August 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 13 August 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	126,59 ⁽²⁾ ⁽³⁾
0712 90 19	126,59 ⁽²⁾ ⁽³⁾
1001 10 10	169,60 ⁽¹⁾ ⁽³⁾
1001 10 90	169,60 ⁽¹⁾ ⁽³⁾
1001 90 91	156,99
1001 90 99	156,99
1002 00 00	139,27 ⁽⁶⁾
1003 00 10	142,18
1003 00 90	142,18
1004 00 10	114,11
1004 00 90	114,11
1005 10 90	126,59 ⁽²⁾ ⁽³⁾
1005 90 00	126,59 ⁽²⁾ ⁽³⁾
1007 00 90	136,50 ⁽⁴⁾
1008 10 00	51,21
1008 20 00	117,27 ⁽⁴⁾
1008 30 00	32,67 ⁽³⁾
1008 90 10	(7)
1008 90 90	32,67
1101 00 00	232,79 ⁽⁸⁾
1102 10 00	207,06 ⁽⁸⁾
1103 11 10	275,94 ⁽⁸⁾
1103 11 90	251,24 ⁽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 2455/91

of 13 August 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 12 August 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 14 August 1991.

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

Done at Brussels, 13 August 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 13 August 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 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0,52	0,52	0,81
0712 90 19	0	0,52	0,52	0,81
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	19,13	19,13	19,13
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0,52	0,52	0,81
1005 90 00	0	0,52	0,52	0,81
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	9,24
1008 90 90	0	0	0	9,24
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2456/91
of 9 August 1991
concerning the stopping of fishing for cod by vessels flying the flag of France

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 793/91 ⁽⁴⁾, provides for cod quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES division II b by vessels flying the flag of France or regis-

tered in France have reached the quota allocated for 1991;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division II b by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1991.

Fishing for cod in the waters of ICES division II b by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the above mentioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 9 August 1991.

For the Commission
Jean DONDELINGER
Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 82, 28. 3. 1991, p. 2.

COMMISSION REGULATION (EEC) No 2457/91

of 12 August 1991

amending Regulation (EEC) No 859/89 laying down detailed rules for the application of intervention measures in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾ and in particular Article 6 (8) thereof,

Whereas Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 2369/91 ⁽⁴⁾, lays down in particular the detailed rules on invitations to tender; that Article 12 (1) fixed the amount of the increase, foreseen in Article 6 (6) of Regulation (EEC) No 805/68, at ECU 6; that in view of the significant fall in market prices in this sector, it is necessary to take suitable measures to avoid speculative reductions in prices; to this end, it is appropriate to encourage the recovery of the trend by modulating the amount of the increase according to the prices recorded on the market and fixing this amount at a higher level when the market price is above a certain limit;

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

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 12 (1) of Regulation (EEC) No 859/89 is replaced by the following:

'1. The offers above the average market price, recorded in one Member State or region of a Member State, converted into quality R 3 according to the coefficients referred to in Annex IV and increased by an amount equal to 3,5 % of this price per 100 kilograms carcass weight are not taken into account.

However, for Member States or regions of a Member State which fulfil the conditions of Article 6 (4), second indent, of Regulation (EEC) No 805/68, this percentage is reduced to 2,5 %.'

Article 2

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

It is applicable from the second tender of the month of August.

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

Done at Brussels, 12 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 216, 3. 8. 1991, p. 36.

COMMISSION REGULATION (EEC) No 2458/91

of 13 August 1991

amending Regulation (EEC) No 2408/91 altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2307/91 ⁽³⁾, as amended by Regulation (EEC) No 2408/91 ⁽⁴⁾;

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

Article 1

The Annex to Regulation (EEC) No 2408/91 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply with effect from 8 August 1991.

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

Done at Brussels, 13 August 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 213, 1. 8. 1991, p. 20.

⁽⁴⁾ OJ No L 220, 8. 8. 1991, p. 18.

ANNEX

(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	33,40 ⁽¹⁾	
1701 11 90 910	33,20 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,40 ⁽¹⁾	
1701 12 90 910	33,20 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3631
1701 99 10 100	36,31	
1701 99 10 910	36,22	
1701 99 10 950	33,72	
1701 99 90 100		0,3631

⁽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 2459/91

of 13 August 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 1741/91⁽²⁾,

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

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

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

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

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

Whereas, pursuant to the provisions of Article 24 (2) and
(3) of Regulation (EEC) No 3013/89, for the week begin-
ning the 22 July 1991, the variable slaughter premium for
sheep certified as eligible in the United Kingdom is to be
in accordance with the amounts fixed in the Annexes
hereto; whereas, for that week, in the light of the Judg-
ment of the Court of Justice of 2 February 1988 in Case
61/86, the provisions of Article 9 (5) of Regulation (EEC)
No 3013/89 and of Article 4 of Regulation (EEC) No
1633/84 lead to the amounts to be charged on products,
leaving region 1, being fixed in accordance with those
Annexes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 1, within the meaning of Article 22
(2) of Regulation (EEC) No 3013/89, for the variable
slaughter premium during the week beginning the 22
July 1991, the level of the premium is fixed at ECU
81,532 per 100 kilograms of estimated or actual dressed
carcase weight within the limits laid down by Article 1 (1)
(b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regu-
lation (EEC) No 3013/89 which left the territory of region 1
during the week beginning the 22 July 1991, the amounts
to be charged shall be equivalent to those fixed in the
Annexes hereto.

Article 3

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

It shall apply with effect from 22 July 1991.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 13 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 13 August 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	38,320	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	81,532	0
0204 21 00	81,532	0
0204 50 11		0
0204 22 10	57,072	
0204 22 30	89,685	
0204 22 50	105,992	
0204 22 90	105,992	
0204 23 00	148,388	
0204 30 00	61,149	
0204 41 00	61,149	
0204 42 10	42,804	
0204 42 30	67,264	
0204 42 50	79,494	
0204 42 90	79,494	
0204 43 00	111,291	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	105,992	
0210 90 19	148,388	
1602 90 71 :		
— unboned (bone-in)	105,992	
— boned or boneless	148,388	

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

COMMISSION REGULATION (EEC) No 2460/91
of 13 August 1991
fixing the import levies on milk and milk products

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

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

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1653/91 ⁽³⁾, as last amended by Regulation (EEC) No 2295/91 ⁽⁴⁾;

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

known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 August 1991.

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

Done at Brussels, 13 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 22.

⁽⁴⁾ OJ No L 209, 31. 7. 1991, p. 26.

ANNEX

to the Commission Regulation of 13 August 1991 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		18,06
0401 10 90		16,85
0401 20 11		24,77
0401 20 19		23,56
0401 20 91		30,08
0401 20 99		28,87
0401 30 11		76,74
0401 30 19		75,53
0401 30 31		147,16
0401 30 39		145,95
0401 30 91		246,41
0401 30 99		245,20
0402 10 11	(*)	128,85
0402 10 19	(*)	121,60
0402 10 91	(*) (*)	1,2160/kg + 26,73
0402 10 99	(*) (*)	1,2160/kg + 19,48
0402 21 11	(*)	183,07
0402 21 17	(*)	175,82
0402 21 19	(*)	175,82
0402 21 91	(*)	223,20
0402 21 99	(*)	215,95
0402 29 11	(*) (*) (*)	1,7582/kg + 26,73
0402 29 15	(*) (*)	1,7582/kg + 26,73
0402 29 19	(*) (*)	1,7582/kg + 19,48
0402 29 91	(*) (*)	2,1595/kg + 26,73
0402 29 99	(*) (*)	2,1595/kg + 19,48
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	147,16
0402 91 59	(*)	145,95
0402 91 91	(*)	246,41
0402 91 99	(*)	245,20
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,4353/kg + 23,11
0402 99 39	(*) (*)	1,4353/kg + 21,90
0402 99 91	(*) (*)	2,4278/kg + 23,11
0402 99 99	(*) (*)	2,4278/kg + 21,90
0403 10 02		128,85
0403 10 04		183,07

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

CN code	Note	Import levy
0403 10 06		223,20
0403 10 12	(¹)	1,2160/kg + 26,73
0403 10 14	(¹)	1,7582/kg + 26,73
0403 10 16	(¹)	2,1595/kg + 26,73
0403 10 22		27,18
0403 10 24		32,49
0403 10 26		79,15
0403 10 32	(¹)	0,2114/kg + 25,52
0403 10 34	(¹)	0,2645/kg + 25,52
0403 10 36	(¹)	0,7311/kg + 25,52
0403 90 11		128,85
0403 90 13		183,07
0403 90 19		223,20
0403 90 31	(¹)	1,2160/kg + 26,73
0403 90 33	(¹)	1,7582/kg + 26,73
0403 90 39	(¹)	2,1595/kg + 26,73
0403 90 51		27,18
0403 90 53		32,49
0403 90 59		79,15
0403 90 61	(¹)	0,2114/kg + 25,52
0403 90 63	(¹)	0,2645/kg + 25,52
0403 90 69	(¹)	0,7311/kg + 25,52
0404 10 11		25,31
0404 10 19	(¹)	0,2531/kg + 19,48
0404 10 91	(²)	0,2531/kg
0404 10 99	(²)	0,2531/kg + 19,48
0404 90 11		128,85
0404 90 13		183,07
0404 90 19		223,20
0404 90 31		128,85
0404 90 33		183,07
0404 90 39		223,20
0404 90 51	(¹)	1,2160/kg + 26,73
0404 90 53	(¹) (²)	1,7582/kg + 26,73
0404 90 59	(¹)	2,1595/kg + 26,73
0404 90 91	(¹)	1,2160/kg + 26,73
0404 90 93	(¹) (²)	1,7582/kg + 26,73
0404 90 99	(¹)	2,1595/kg + 26,73
0405 00 10		254,11
0405 00 90		310,01
0406 10 10	(⁴)	234,05
0406 10 90	(⁴)	285,03
0406 20 10	(³) (⁴)	381,01
0406 20 90	(⁴)	381,01
0406 30 10	(³) (⁴)	186,06
0406 30 31	(³) (⁴)	175,44
0406 30 39	(³) (⁴)	186,06
0406 30 90	(³) (⁴)	282,78

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

CN code	Note	Import levy
0406 40 00	(3) (*)	148,14
0406 90 11	(3) (*)	225,32
0406 90 13	(3) (*)	183,99
0406 90 15	(3) (*)	183,99
0406 90 17	(3) (*)	183,99
0406 90 19	(3) (*)	381,01
0406 90 21	(3) (*)	225,32
0406 90 23	(3) (*)	188,31
0406 90 25	(3) (*)	188,31
0406 90 27	(3) (*)	188,31
0406 90 29	(3) (*)	188,31
0406 90 31	(3) (*)	188,31
0406 90 33	(*)	188,31
0406 90 35	(3) (*)	188,31
0406 90 37	(3) (*)	188,31
0406 90 39	(3) (*)	188,31
0406 90 50	(3) (*)	188,31
0406 90 61	(*)	381,01
0406 90 63	(*)	381,01
0406 90 69	(*)	381,01
0406 90 71	(*)	234,05
0406 90 73	(*)	188,31
0406 90 75	(*)	188,31
0406 90 77	(*)	188,31
0406 90 79	(*)	188,31
0406 90 81	(*)	188,31
0406 90 83	(*)	188,31
0406 90 85	(*)	188,31
0406 90 89	(3) (*)	188,31
0406 90 91	(*)	234,05
0406 90 93	(*)	234,05
0406 90 97	(*)	285,03
0406 90 99	(*)	285,03
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		93,62
2309 10 19		121,59
2309 10 39		113,92
2309 10 59		93,97
2309 10 70		121,59
2309 90 35		93,62
2309 90 39		121,59
2309 90 49		113,92
2309 90 59		93,97
2309 90 70		121,59

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

COMMISSION REGULATION (EEC) No 2461/91

of 13 August 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1849/91⁽³⁾, as last amended by Regulation (EEC) No 2452/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1849/91 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

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

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

Whereas these exchange rates being those recorded on 12 August 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 August 1991.

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

Done at Brussels, 13 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 5. 7. 1991, p. 14.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 16.

⁽⁴⁾ OJ No L 225, 13. 8. 1991, p. 34.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 13 August 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	37,24 ⁽¹⁾
1701 11 90	37,24 ⁽¹⁾
1701 12 10	37,24 ⁽¹⁾
1701 12 90	37,24 ⁽¹⁾
1701 91 00	40,20
1701 99 10	40,20
1701 99 90	40,20 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 2462/91

of 13 August 1991

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 2305/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2305/91 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

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 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾,

- 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,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 2305/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 August 1991.

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

Done at Brussels, 13 August 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 213, 1. 8. 1991, p. 15.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 13 August 1991 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4020	—
1702 20 90	0,4020	—
1702 30 10	—	48,62
1702 40 10	—	48,62
1702 60 10	—	48,62
1702 60 90	0,4020	—
1702 90 30	—	48,62
1702 90 60	0,4020	—
1702 90 71	0,4020	—
1702 90 90	0,4020	—
2106 90 30	—	48,62
2106 90 59	0,4020	—

COMMISSION REGULATION (EEC) No 2463/91
of 13 August 1991
fixing the amount of the subsidy on oil seeds

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

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2412/91⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1897/91⁽⁷⁾, as last amended by Regulation (EEC) No 2406/91⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

2. However, the amount of the aid for 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 14 August 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 14 August 1991.

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

Done at Brussels, 13 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 224, 12. 8. 1991, p. 46.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 169, 29. 6. 1991, p. 16.

⁽⁸⁾ OJ No L 220, 8. 8. 1991, p. 13.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

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

(amounts per 100 kg)

	Current 8 (°)	1st period 9 (°)	2nd period 10 (°)	3rd period 11 (°)	4th period 12 (°)	5th period 1 (°)
1. Gross aids (ECU) :						
— Spain	19,001	19,271	18,961	18,349	17,127	17,405
— Portugal	25,971	26,241	25,931	25,319	24,097	24,375
— Other Member States	19,001	19,271	18,961	18,349	17,127	17,405
2. Final aids :						
Seed harvested and processed in :						
— Federal Republic of Germany (DM)	44,73	45,37	44,64	43,20	40,32	40,97
— Netherlands (Fl)	50,40	51,12	50,30	48,67	45,43	46,17
— BLEU (Bfrs/Lfrs)	922,62	935,73	920,68	890,96	831,62	845,12
— France (FF)	150,02	152,16	149,71	144,88	135,23	137,42
— Denmark (Dkr)	170,63	173,05	170,27	164,77	153,80	156,29
— Ireland (£ Irl)	16,698	16,935	16,662	16,125	15,051	15,295
— United Kingdom (£)	15,020	15,237	14,988	14,495	13,513	13,734
— Italy (Lit)	33 469	33 945	33 399	32 321	30 168	30 563
— Greece (Dr)	4 701,06	4 759,59	4 649,77	4 454,66	4 129,07	4 081,58
— Spain (Pta)	2 909,19	2 949,05	2 903,29	2 811,36	2 631,52	2 661,88
— Portugal (Esc)	5 489,19	5 541,53	5 467,06	5 333,14	5 083,55	5 109,78

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 8 (°)	1st period 9 (°)	2nd period 10 (°)	3rd period 11 (°)	4th period 12 (°)	5th period 1 (°)
1. Gross aids (ECU) :						
— Spain	20,251	20,521	20,211	19,599	18,377	18,655
— Portugal	27,221	27,491	27,181	26,569	25,347	25,625
— Other Member States	20,251	20,521	20,211	19,599	18,377	18,655
2. Final aids :						
Seed harvested and processed in :						
— Federal Republic of Germany (DM)	47,67	48,31	47,58	46,14	43,26	43,92
— Netherlands (Fl)	53,72	54,43	53,61	51,99	48,75	49,48
— BLEU (Bfrs/Lfrs)	983,31	996,42	981,37	951,65	892,32	905,82
— France (FF)	159,89	162,03	159,58	154,75	145,10	147,29
— Denmark (Dkr)	181,85	184,28	181,49	176,00	165,02	167,52
— Ireland (£ Irl)	17,796	18,033	17,761	17,223	16,149	16,394
— United Kingdom (£)	16,014	16,231	15,982	15,489	14,507	14,729
— Italy (Lit)	35 671	36 147	35 601	34 523	32 370	32 765
— Greece (Dr)	5 016,21	5 074,74	4 964,92	4 769,81	4 444,22	4 396,73
— Spain (Pta)	3 097,73	3 137,58	3 091,82	2 999,90	2 820,06	2 850,41
— Portugal (Esc)	5 750,04	5 802,38	5 727,90	5 593,99	5 344,40	5 370,62

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

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)
1. Gross aids (ECU):					
— Spain	26,832	26,771	27,107	27,088	26,329
— Portugal	33,997	33,937	34,267	34,255	33,516
— Other Member States	21,757	21,697	22,027	22,015	21,276
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	51,22	51,08	51,86	51,83	50,09
— Netherlands (Fl)	57,71	57,55	58,43	58,40	56,44
— BLEU (Bfrs/Lfrs)	1 056,44	1 053,53	1 069,55	1 068,97	1 033,08
— France (FF)	171,79	171,31	173,92	173,82	167,99
— Denmark (Dkr)	195,38	194,84	197,80	197,69	191,06
— Ireland (£ Irl)	19,120	19,067	19,357	19,346	18,697
— United Kingdom (£)	17,184	17,136	17,401	17,389	16,794
— Italy (Lit)	38 324	38 218	38 799	38 778	37 477
— Greece (Dr)	5 368,85	5 338,21	5 386,39	5 340,66	5 142,07
— Portugal (Esc)	7 182,80	7 167,35	7 220,21	7 207,17	7 056,76
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 102,47	4 093,45	4 143,07	4 138,43	4 027,16
— in another Member State (Pta)	4 166,72	4 157,86	4 206,57	4 202,95	4 094,62

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

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

ANNEX IV

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

(value of ECU 1)

	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
DM	2,052040	2,050460	2,049300	2,048080	2,048080	2,044990
Fl	2,312460	2,310900	2,309370	2,308130	2,308130	2,304330
Bfrs/Lfrs	42,288400	42,256300	42,228900	42,201900	42,201900	42,142000
FF	6,976280	6,973990	6,970910	6,968510	6,968510	6,958610
Dkr	7,945750	7,940460	7,936480	7,932380	7,932380	7,926590
£Irl	0,767672	0,767439	0,767338	0,767378	0,767378	0,766738
£	0,698224	0,698777	0,699200	0,699526	0,699526	0,699870
Lit	1 533,16	1 535,09	1 536,88	1 538,79	1 538,79	1 546,07
Dr	226,10000	228,00200	229,95200	231,98600	231,98600	238,69600
Esc	176,18900	177,24200	178,01000	178,63800	178,63800	180,43600
Pta	128,45700	128,74100	129,00100	129,24000	129,24000	129,85900

COMMISSION REGULATION (EEC) No 2464/91

of 13 August 1991

introducing a countervailing charge on fresh lemons originating in Uruguay

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1623/91⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1438/91 of 30 May 1991 fixing for the 1991/92 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the months of July and August 1991 at ECU 60,82 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Uruguay, the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 4,34 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Uruguay.

Article 2

This Regulation shall enter into force on 15 August 1991.

(¹) OJ No L 118, 20. 5. 1972, p. 1.
(²) OJ No L 150, 15. 6. 1991, p. 8.
(³) OJ No L 137, 31. 5. 1991, p. 25.
(⁴) OJ No L 220, 10. 8. 1974, p. 20.

(⁵) OJ No L 368, 31. 12. 1985, p. 1.
(⁶) OJ No L 164, 24. 6. 1985, p. 1.
(⁷) OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 13 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 December 1990

ruling on the granting of aid by Belgium to the coal industry during 1991

(Only the French and Dutch texts are authentic)

(91/405/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its letter of 2 October 1990 the Belgian Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of the financial measures it intends to take to support the coal industry in 1991.

Pursuant to the abovementioned Decision, the Commission must give a ruling on the following financial aid schemes for 1991 submitted to it for approval :

- aid totalling Bfr 2 257 570 000 to cover operating losses,
- aid totalling Bfr 292 700 000 to finance social benefit schemes in the coal industry, corresponding to the difference between actual and normal social charges,
- aid totalling Bfr 37 700 000 to cover expenses relating to the system of supplementary holiday for underground workers.

According to the information supplied by the Belgian Government, the measures notified are intended to help implement the restructuring plan for the firm *Kempense Steenkolenmijnen*, the closure of the last working pit being scheduled for no later than 1992.

The measures which the Belgian Government intends to take to support the coal industry comply with the provisions of Article 1 (1) of Decision 2064/86/ECSC. The Commission must therefore give a ruling, pursuant to Article 10 of the Decision, as to whether they comply with the objectives and criteria set out in that Decision and whether they are compatible with the proper functioning of the common market.

II

Since the entry into force in 1987 of a restructuring plan made necessary by the lack of economic viability of coal production in the long term, extraction capacities have been gradually reduced from 4,4 million tonnes in 1987 to 0,8 million tonnes in 1991.

The amount of aid notified for 1991 represents only 20 % of the aid granted in 1986.

The decreasing levels of aid which the Belgian Government intends to grant, its temporary nature and the implementation of a multiannual restructuring plan are in accordance with the conditions of application of Decision No 2064/86/ECSC.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

The aid to cover operating losses will facilitate continuation of the last phase of the restructuring programme for the Campine coalfield, as decided by Ministerial Decree in January 1987. The planned aid will cover no more than 83 %, for each tonne produced, of the difference between foreseeable costs and returns, and therefore complies with the provisions of Article 3 (1) of the Decision.

This aid contributes to solving the social and regional problems related to the decline in coal production, in conformity with the third indent of Article 2 (1) of the Decision.

The notification submitted to the Commission regarding the financing of social benefits in the coal industry reveals that the aid which the Belgian Government proposes to grant brings the ratio between the burden per mineworker in employment and the benefits per person in receipt of benefit below the corresponding ratio in other industries. This difference should amount to Bfr 292 700 000 in 1991.

The exceeding of the limits specified in Article 7 of Decision No 2064/86/ECSC must therefore be considered as indirect aid to current production. The reduction in production costs this entails, which is about 6 %, does not constitute a significant competitive advantage for the Belgian coal industry compared with other Community coal producers. In view of the abnormal burdens that the Belgian industry has to bear owing to the gradual decline in production.

As this measure is linked to the restructuring programme, it is helping to solve the social and regional problems related to developments in the coal industry, in conformity with the third indent of Article 2 (1) of the Decision.

The aid to cover expenditure relating to the system of supplementary holiday for underground workers constitutes indirect aid to current production. It meets the objectives and conditions defined in Article 2 of the Decision in view of its modest scale i.e. less than 1 % of the cost price per tonne produced, its temporary nature and the fact that it forms part of the restructuring plan.

III

The aid covered by this Decision is therefore compatible with the proper functioning of the common market.

This Decision is without prejudice to the compatibility with the Treaties of the rules governing sales of Belgian coal to electricity producers,

HAS ADOPTED THIS DECISION:

Article 1

The Belgian Government is hereby authorized to grant aid totalling Bfr 2 587 970 000 to the Belgian coal industry for the 1991 calendar year. The total amount shall be made up of the following aid:

1. aid to cover operating losses not exceeding Bfr 2 257 570 000;
2. aid to finance social benefit schemes in the coal industry not exceeding Bfr 292 700 000;
3. aid to cover expenses relating to the system of supplementary holiday for underground workers, not exceeding Bfr 37 700 000.

Article 2

The Belgian Government shall inform the Commission not later than 30 June 1992 of the actual amounts of aid paid in 1991.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 17 December 1990.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 6 February 1991

on financial aid by the Federal Republic of Germany to the coal industry in 1990
and supplementary aid to the coal industry for 1989

(only the German text is authentic)

(91/406/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Coal and Steel Community,

Having regard to Commission Decision No 2064/86/
ECSC of 30 June 1986 establishing Community rules for
State aid to the coal industry⁽¹⁾,

Whereas :

I

In its letters of 3 January and 8 October 1990, the
Government of the Federal Republic of Germany
informed the Commission, pursuant to Article 9 (2) of
Decision No 2064/86/ECSC, of the financial measures it
intends to take in order to support the coal industry in
1990.

In its letter of 8 October 1990, the German Government
also informed the Commission, pursuant to Article 9 (3),
of a supplementary measure it intends to take in support
of the coal industry with regard to 1989.

Pursuant to the above Decision, the Commission must
give a ruling on the following financial measures
submitted to it for approval :

- aid totalling DM 3 550 million to sales of coal and
coke to the Community iron and steel industry in
1990,
- aid totalling DM 152 million under a scheme for
maintaining the underground labour force in deep
mines (*Bergmannsprämie*) for 1990,
- aid totalling DM 20 million for special depreciation in
1990,
- aid totalling DM 306 million to finance social benefit
schemes in the coal industry in 1990, corresponding

to the difference between actual and standard social
charges,

- supplementary aid totalling DM 982 million to sales
of coal and coke to the Community iron and steel
industry in 1989.

The measures which the German Government intends to
take to support the coal industry comply with the provi-
sions of Article 1 (1) of Decision No 2064/86/ECSC. The
Commission must therefore give a ruling under Article 10
of the Decision as to whether they comply with the
objectives and criteria set out in that Decision and
whether they are compatible with the proper functioning
of the common market.

II

In accordance with Articles 4 and 12 of the Decision, coal
undertakings are authorized, where necessary, to grant
rebates on their list prices or production costs for deliv-
eries to the Community iron and steel industry under
long-term contract of coking coal, blast furnace coke and
coal for injection into blast furnaces. These rebates must
not cause the delivered prices of Community coal and
coke to work out lower than those which would be
charged for coal from non-member countries and coke
made from non-member country coking coal.

Since 1 January 1989, the German Government's policy
on aid to sales of coal and coke to the Community steel
industry has been based on the principle of placing a
ceiling on the amount of such aid for the years 1989,
1990 and 1991. The overall amount of aid planned for the
period from 1 January 1989 to 31 December 1991
amounts to DM 10 960 million, while the total quantities
eligible for this aid are expected to be 69,8 million
tonnes.

On 28 February 1990, the Commission adopted Decision
No 90/199/ECSC⁽²⁾ on aid from the Federal Republic of
Germany to the coal industry in 1989. This Decision
authorized the German Government to grant aid of DM
2 865 million under the new system to sales of coal and
coke to the Community iron and steel industry. The

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 105, 25. 4. 1990, p. 21.

Commission had noted in its Decision that the amount of aid, which corresponded to the budgetary resources available for the year 1989, would not cover the full amount necessary course of that year to cover an estimated quantity of 24,5 million tonnes of coal and coke.

By its letter of 8 October 1990, the German Government informed the Commission of the adjustment it intended to make to the amount authorized by the Decision. Compared with this amount, the additional sum for 1989 will be DM 982 million, bringing the total amount of aid to sales of coal and coke for 1989 to DM 3 847 million.

The German Government also plans to pay coal producers, within the framework of the budgetary resources available, a sum of DM 3 550 million for 1990, in respect of production of 23,8 million tonnes of coal and coke.

In view of the notification, the Commission feels that the progressive reduction in aid which is one of the objectives of the new scheme is beginning to take effect. It notes in the light of the information supplied by the German Government that this downward trend should become more marked in the course of 1991.

The Commission welcomes both the principle of placing a ceiling on aid and its progressive reduction, which should help speed up restructuring of the coal industry and hence improve its competitiveness in conformity with the first indent of Article 2 (1) of Decision No 2064/86/ECSC.

Moreover, this aid is compatible with the provisions of Articles 4 and 12 of the Decision, as it does not lead to delivered prices lower than those which would be charged for coal from non-member countries.

It will also be necessary, pursuant to Article 11 (1) of Decision No 2064/86/ECSC, to ensure that this aid does not lead to discrimination within the meaning of the ECSC Treaty, as between Community buyers or users of coal or coke.

The German Government is to communicate at the end of 1990 any changes with regard to sales and information relating to production costs and the guide price, in order to enable the Commission to ensure that all the above-mentioned provisions are complied with.

III

The aid of DM 152 million to finance mineworkers' bonuses (*Bergmannsprämie*) of DM 10 for every shift worked underground enables the undertakings to main-

tain a skilled underground workforce. This type of aid, which helps to increase productivity, is specifically provided for in Article 6 of the Decision and contributes to an improvement of the competitiveness of the industry in accordance with the first indent of Article 2 (1) of the Decision.

The aid covering special depreciation improves the competitiveness of the coal industry in that it enables restructuring to be speeded-up.

Since, at 0,1 % of the production cost, it is very low, this aid will not give the German coal undertakings a significant competitive advantage over other Community coal producers, especially since the returns do not cover the production costs. In view of its purpose, this measure conforms to the objective specified in the first indent of Article 2 (1) of the Decision.

The information supplied to the Commission regarding aid to finance social benefit schemes in the coal industry shows that the aid which the German Government intends to grant for these purposes makes the ratio between the burden per mineworker in employment and the benefits per person in receipt of benefit lower than the corresponding ratio in other industries. The difference between actual and standard charges in 1990 amounts to DM 306 million. Since the limits set in Article 7 of Decision No 2064/86/ECSC have thereby been exceeded, this must be considered as indirect aid to current production and must be examined on the basis of Article 10 (2) of the Decision. The reduction of about 1 % in production costs which it entails will not give the German coal industry a significant competitive advantage over other Community coal producers. Since this measure reduces the industry's operating costs, it helps solve the social and regional problems relating to developments in the coal industry by permitting a better phasing of restructuring and rationalization measures. It thus helps to achieve the objective referred to in the third indent of Article 2 (1) of the Decision.

IV

Consequently, the aid measures referred to in this Decision are compatible with the proper functioning of the common market.

This Decision does not prejudice the compatibility with Decision No 2064/86/ECSC of the amounts of aid scheduled by the Government of the Federal Republic of Germany for the years following 1990 under the system it has established for aid to sales of coal and coke to the Community iron and steel industry,

HAS ADOPTED THIS DECISION :

Article 1

The Government of the Federal Republic of Germany is hereby authorized to grant aid of DM 4 028 million to the German coal industry for the 1990 calendar year. The total amount shall be made up of the following aid :

1. aid totalling DM 3 550 million to sales of coal and coke to the Community iron and steel industry ;
2. aid totalling DM 152 million under a scheme for maintaining the underground labour force in deep mines (*Bergmannsprämie*);
3. aid totalling DM 20 million for special depreciation ;
4. aid totalling DM 306 million to finance social benefit schemes in the coal industry, corresponding to the difference between actual and standard social charges.

Article 2

The Government of the Federal Republic of Germany is hereby authorized to grant supplementary aid of DM 982 million to sales of coal and coke to the Community iron

and steel industry for 1989, bringing the total amount of aid under this measure to DM 3 847 million for 1989.

Article 3

The Government of the Federal Republic of Germany shall notify the Commission by 30 June 1991 of the total amounts of aid paid in 1990.

Article 4

This Decision is addressed to the Government of the Federal Republic of Germany.

Done at Brussels, 6 February 1991.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 12 July 1991

amending Decision 85/13/EEC setting up a Joint Committee on Railways

(91/407/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas the enlargement of the Community requires an increase in the number of representatives of European organizations in the Joint Committee on Railways;

Whereas the Commission must take account of the specific situation in various Member States in order to ensure optimum participation by employers and employees in the railway sector in the work of the Joint Committee and thus safeguard its nature as representing the socio-economic interests concerned;

Whereas Commission Decision 85/13/EEC ⁽¹⁾ must therefore be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 85/13/EEC is hereby amended as follows:

1. In Article 3 (1) (b) the introductory words are replaced by the following:

'In respect of matters falling within the competence of the employers' and employees' associations listed in Article 4 (3).'

2. Article 4 is replaced by the following:

'Article 4

1. The Committee shall consist of 54 members.
2. Seats shall be allocated as follows:
 - (a) 27 to the carriers' representatives;
 - (b) 27 to the employees' representatives.

3. The members of the Committee shall be appointed by the Commission as follows:

- (a) 48 on proposals from the following carriers' and employees' organizations:

- Community of European railways (CCFE): 24 members;
- Committee of Transport Workers' Unions of the European Community: 24 members;

- (b) six, directly by the Commission, after consultation of the carriers' and employees' organizations referred to in (a), from amongst the most representative associations of employers and employees, if necessary other than the organizations referred to in 3 (a).'

3. Article 5 (1) is replaced by the following:

'1. An alternate shall be appointed for each member of the Committee under the same conditions as laid down in Article 4 (3).'

4. Article 6 (3) is replaced by the following:

'3. A member's or alternate's term of office shall cease before the expiry of the period of four years upon his resignation or death or if the association which nominated him requests his replacement. The vacancy thereby caused shall be filled in the manner prescribed in Article 4 (3) by a person appointed for the remainder of the term of office.'

5. Article 7 (1) is replaced by the following:

'1. The Committee shall, by a two-thirds majority of members present, elect from among its members a chairman and vice-chairman who shall hold office for a term of two years. The chairman and the vice-chairman shall be chosen alternately, and in reverse order, from amongst the groups of associations listed in Article 4 (3).'

6. Article 9 (b) is replaced by the following:

'(b) ask the Commission to appoint experts to assist it in specific tasks. It shall be its duty to do so if one of the associations listed in Article 4 (3) so requests.'

⁽¹⁾ OJ No L 8, 10. 1. 1985, p. 26.

7. Article 12 (3) and (4) is replaced by the following :

'3. A representative of the secretariat of each of the organizations referred to in Article 4 (3) (a) may attend the meetings of the Committee as observer.

4. The Commission may, after consulting the associations of carriers and employees referred to in Article 4 (3) (a), invite organizations other than those referred to in Article 4 (3) to participate in the Committee's work as observers.'

Article 2

This Decision shall take effect on 12 July 1991.

Done at Brussels, 12 July 1991.

For the Commission

Vasso PAPANDREOU

Member of the Commission
