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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2735/91 of 18 September 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2736/91 of 18 September 1991 fixing the premiums to be added to the import levies on cereals, flour and malt	3
* Commission Regulation (EEC) No 2737/91 of 17 September 1991 amending Regulation (EEC) No 1609/88 as regards the latest time of entry into storage for butter sold pursuant to Regulation (EEC) No 570/88	5
* Commission Regulation (EEC) No 2738/91 of 18 September 1991 re-establishing the levying of customs duties on products falling within CN code 8516 50 00 originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply	6
* Commission Regulation (EEC) No 2739/91 of 13 September 1991 amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community	7
* Commission Regulation (EEC) No 2740/91 of 13 September 1991 amending the list annexed to Regulation (EEC) No 3664/90 establishing, for 1991, the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds nine metres	9
* Commission Regulation (EEC) No 2741/91 of 13 September 1991 amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community	11

Contents (continued)

* Commission Regulation (EEC) No 2742/91 of 18 September 1991 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to the Soviet Union and amending Regulation (EEC) No 569/88	13
* Commission Regulation (EEC) No 2743/91 of 18 September 1991 amending Regulation (EEC) No 693/88 on the definition of the concept of originating products for the purposes of the application of tariff preferences granted by the European Economic Community in respect of certain products from developing countries	19
Commission Regulation (EEC) No 2744/91 of 18 September 1991 fixing the maximum export refund for white sugar for the 21st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91	21
Commission Regulation (EEC) No 2745/91 of 18 September 1991 altering the export refunds on white sugar and raw sugar exported in the natural state	22
Commission Regulation (EEC) No 2746/91 of 18 September 1991 altering the import levies on products processed from cereals and rice	24
Commission Regulation (EEC) No 2747/91 of 18 September 1991 fixing the import levies on white sugar and raw sugar	26
Commission Regulation (EEC) No 2748/91 of 18 September 1991 fixing the aid for cotton	28

II Acts whose publication is not obligatory

Commission

91/500/EEC :

* Commission Decision of 28 May 1991 concerning aid granted to enterprises in the Friuli-Venezia Giulia region	29
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Corrigenda

* Corrigendum to Commission Regulation (EEC) No 2654/91 of 5 September 1991 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 2364/91 (OJ No L 249 of 6.9.1991)	36
* Corrigendum to Decision 91/380/ECSC of the representatives of the Governments of the Member States meeting within the Council of 15 July 1991 on the opening of a zero-duty tariff quota for flat-rolled products of silicon-electrical steel (OJ No L 204 of 27.7.1991)	36
* Corrigendum to Decision 91/381/ECSC of the representatives of the Governments of the Member States meeting within the Council of 15 July 1991 on the opening of a zero-duty tariff quota for special wire rod for the manufacture of valve springs (OJ No L 204 of 27.7.1991)	36

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2735/91

of 18 September 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 2661/91⁽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 17 September 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 2661/91 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 19 September 1991.

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

Done at Brussels, 18 September 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 250, 7. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 18 September 1991 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	132,49 ⁽²⁾ ⁽³⁾
0712 90 19	132,49 ⁽²⁾ ⁽³⁾
1001 10 10	177,77 ⁽¹⁾ ⁽⁵⁾
1001 10 90	177,77 ⁽¹⁾ ⁽⁵⁾
1001 90 91	161,29
1001 90 99	161,29
1002 00 00	160,89 ⁽⁶⁾
1003 00 10	139,53
1003 00 90	139,53
1004 00 10	120,54
1004 00 90	120,54
1005 10 90	132,49 ⁽²⁾ ⁽³⁾
1005 90 00	132,49 ⁽²⁾ ⁽³⁾
1007 00 90	143,09 ⁽⁴⁾
1008 10 00	50,32
1008 20 00	121,73 ⁽⁴⁾
1008 30 00	50,52 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	50,52
1101 00 00	238,81 ⁽⁸⁾
1102 10 00	238,25 ⁽⁸⁾
1103 11 10	288,67 ⁽⁸⁾
1103 11 90	257,58 ⁽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 2736/91

of 18 September 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 17 September 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 19 September 1991.

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

Done at Brussels, 18 September 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 18 September 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 9	1st period 10	2nd period 11	3rd period 12
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	2,16	2,16	2,16
1004 00 90	0	2,16	2,16	2,16
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2737/91

of 17 September 1991

amending Regulation (EEC) No 1609/88 as regards the latest time of entry into storage for butter sold pursuant to Regulation (EEC) No 570/88

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 6 (7) thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EEC) No 2045/91 ⁽⁴⁾, and in particular Article 7a thereof,

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the grant of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EEC) No 1157/91 ⁽⁶⁾, the butter sold must have been taken into storage before a date to be determined; whereas this date is fixed on the basis of the development of stocks of butter and the quantities available;

Whereas this date should be fixed in order to sell the butter taken into storage before 1 April 1990; whereas, as

a result, Commission Regulation (EEC) No 1609/88 of 9 June 1988 as regards the latest time of entry into storage for butter sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88 ⁽⁷⁾, as last amended by Regulation (EEC) No 2631/91 ⁽⁸⁾, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 1 of Regulation (EEC) No 1609/88 is hereby replaced by the following:

'The butter referred to in Article 1 of Regulation (EEC) No 570/88 must have been taken into storage before 1 April 1990.'

Article 2

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

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

Done at Brussels, 17 September 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 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 187, 13. 7. 1991, p. 1.

⁽⁵⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁶⁾ OJ No L 112, 4. 5. 1991, p. 57.

⁽⁷⁾ OJ No L 143, 10. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 246, 4. 9. 1991, p. 11.

COMMISSION REGULATION (EEC) No 2738/91

of 18 September 1991

re-establishing the levying of customs duties on products falling within CN code 8516 50 00 originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

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

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

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

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 8516 50 00, originating in China the individual ceiling was fixed at ECU 2 819 000; whereas, on 23 August 1991, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 September 1991, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in China:

Order No	CN code	Description
10.1045	8516 50 00	Microwave ovens

Article 2

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

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

Done at Brussels, 18 September 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2739/91**of 13 September 1991****amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community⁽³⁾, as last amended by Regulation (EEC) No 2732/91⁽⁴⁾, and in particular Article 3 thereof,

Whereas the German and Dutch authorities have requested withdrawal from the list annexed to Regulation (EEC) No 55/87 of two vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 13 September 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 261, 18. 9. 1991, p. 7.

ANNEX

Following vessels are deleted from the list of Regulation (EEC) No 55/87:

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY BUS 2	Blume		Büsum	66
THE NETHERLANDS LO 2	Aurora		Ulrum-Lauwersoog	113

COMMISSION REGULATION (EEC) No 2740/91
of 13 September 1991

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

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

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

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

Whereas Commission Regulation (EEC) No 3664/90⁽⁴⁾, as last amended by Regulation (EEC) No 2731/91⁽⁵⁾, establishes for 1991 the list of vessels exceeding eight metres length overall permitted to fish for sole within certain areas of the Community using beam trawls of aggregate length exceeding nine metres;

Whereas the German authorities have requested that five vessels meeting the requirements laid down in Article 1

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 13 September 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 346, 11. 12. 1990, p. 11.

⁽⁴⁾ OJ No L 356, 19. 12. 1990, p. 6.

⁽⁵⁾ OJ No L 261, 18. 9. 1991, p. 5.

ANNEX

Following vessels are deleted from the list of Regulation (EEC) No 3664/90 :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY				
FED 12	Rubin	DDIT	Fedderwardersiel	183
BÜS 1	Catja	DIZW	Büsum	88
SH 23	Albatros	DFPF	Heiligenhafen	221
SC 9	Wotan	DIZO	Büsum	184
NC 335	Wilhelm	DJEI	Cuxhaven	184

COMMISSION REGULATION (EEC) No 2741/91

of 13 September 1991

amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community ⁽³⁾, as last amended by Regulation (EEC) No 2739/91 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas the German, Belgian and Dutch authorities have requested replacement in the list annexed to Regulation (EEC) No 55/87 of six vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 13 September 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ See page 7 of this Official Journal.

ANNEX

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

Vessels to be replaced :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY ZX 3 ZX 9 ZX 10 ZX 14				
THE NETHERLANDS WR 50	Speculant		Wieringen	51
BELGIUM B 42	Branko	OPBP	Blankenberge	184

Vessels replacing the abovementioned vessels :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY SC 9 BUS 1 SH 23 SE 10 SC 41	Wotan Catja Albatros Roland I Osterems	DIZO DIZW DFPF DFPP DIQR	Büsum Büsum Heiligenhafen Seester Büsum	184 88 221 221 221
BELGIUM N 723	Pallieter	OQCW	Nieuwpoort	221

COMMISSION REGULATION (EEC) No 2742/91**of 18 September 1991****on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export to the Soviet Union and amending Regulation (EEC) No 569/88**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 1628/91⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks; whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export either in the same state or after cutting and/or repacking⁽⁵⁾ has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas in view of the supply needs in the Soviet Union part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85 in order to be imported into that country;

Whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of 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⁽⁶⁾, as last amended by Regulation (EEC) No 815/91⁽⁷⁾;

Whereas in order to ensure that beef sold is exported to the intended destination the lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provision of Commission Regulation (EEC) No 569/88⁽⁸⁾, as last amended by Regulation (EEC) No 2654/91⁽⁹⁾; whereas the Annex to the said Regulation setting out the entries to be made should be expanded;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- 35 000 tonnes of bone-in beef (forequarters and hind-quarters) held by the Italian intervention agency and bought in before 1 September 1991,
- 8 000 tonnes of boned beef held by the Italian intervention agency and bought in before 1 September 1991,
- 4 000 tonnes of bone-in beef (forequarters and hind-quarters) held by the Spanish intervention agency and bought in before 1 May 1991,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 83, 3. 4. 1991, p. 6.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 249, 5. 9. 1991, p. 9.

— 4 000 tonnes of forequarters bone-in beef held by the Spanish intervention agency and bought in before 1 May 1991.

2. This meat must be imported into the Soviet Union.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. An offer shall be valid only if:

- it relates at the same time to meat held by the Italian and the Spanish intervention agencies,
- it relates to a total minimum quantity of 10 000 tonnes expressed in product weight (and held by the two agencies) and in respect of the meat held by the Spanish intervention agency to a minimum quantity of 2 000 tonnes expressed in product weight,
- it respect of the meat held by the Italian intervention agency it relates to 81,4 % bone-in beef and 18,6 % of boneless beef calculated in product weight,
- it relates in the case of bone-in forequarters and hindquarters to an equal weight of forequarters and hindquarters and contains a single price per tonne expressed in ecus for this quantity of bone-in beef specified in the offer,
- in respect of boneless beef it relates to a lot comprising all the cuts referred to in Annex II in the percentages stated therein and shall contain a single price per tonne expressed in ecus of the lot made up in this fashion.

6. Immediately after submitting tenders or purchase applications the operator shall send a copy thereof to the Commission of the European Communities, Division VI/D.2, 130 rue de la Loi, B-1049 Brussels (telex 220 37 b Agrec).

7. The highest tenderer as referred to in Article 10 (2) of Commission Regulation (EEC) No 2173/79⁽²⁾ is the tenderer who offers the highest weighted average price.

8. Intervention agencies shall only conclude selling contracts upon verification, in collaboration with the

Commission's services, that the conditions referred to in paragraphs 5, 6 and 7 have been met.

9. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 25 September 1991.

10. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex III.

Article 2

1. Notwithstanding Article 6 of Regulation (EEC) No 2539/84, the time limit for taking over meat as defined in that Article shall be increased to three months.

2. The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 30 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be:

- ECU 300 per 100 kilograms of bone-in beef,
- ECU 500 per 100 kilograms of boneless beef.

Article 4

In respect of meat sold under this Regulation no export refund shall be granted.

In the removal order referred to in Article 3 of Regulation (EEC) No 569/88, the export declaration, and, where appropriate, the T 5 control copy shall be entered:

- 'Sin restitución [Reglamento (CEE) n° 2742/91];
- Uden restitution [Forordning (EØF) nr. 2742/91];
- Keine Erstattung [Verordnung (EWG) Nr. 2742/91];
- χωρίς επιστροφή [κανονισμός (ΕΟΚ) αριθ. 2742/91];
- Without refund [Regulation (EEC) No 2742/91];
- Sans restitution [Règlement (CEE) n° 2742/91];
- Senza restituzione [Regolamento (CEE) n. 2742/91];
- Zonder restitutie [Verordening (EEG) nr. 2742/91];
- Sem restituição [Regulamento (CEE) n° 2742/91].'

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽²⁾ OJ No L 251, 5. 10. 1979, p. 12.

Article 5

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock' the following item 104 and footnote are added:

- '104. Commission Regulation (EEC) No 2742/91 of 18 September 1991 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of

beef held by certain intervention agencies and intended for export to the Soviet Union⁽¹⁰⁴⁾.

⁽¹⁰⁴⁾ OJ No L 262, 19. 9. 1991, p. 13.'

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, 18 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
España	— Cuartos delanteros, provenientes de : Categoría A, clases U, R y O — Cuartos traseros, provenientes de : Categoría A, clases U, R y O — Cuartos delanteros, provenientes de : Categoría A, clases U, R y O	2 000 } 2 000 } 4 000 4 000	485 485 365
Italia	— Quarti posteriori, provenienti da : categoria A, classi U, R e O — Quarti anteriori, provenienti da : categoria A, classi U, R e O — Carne disossata proveniente da : categoria A	17 500 17 500 8 000	485 485 700 (*)

(*) Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo II.

(*) Minimumpris pr. ton produkt efter fordelingen i bilag II.

(*) Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang II angegebenen Zusammensetzung.

(*) Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα II.

(*) Minimum price per tonne of products made up according to the percentages referred to in Annex II.

(*) Prix minimum par tonne de produit selon la répartition visée à l'annexe II.

(*) Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato II.

(*) Minimumprijzen per ton produkt volgens de in bijlage II aangegeven verdeling.

(*) Preço mínimo por tonelada de produto segundo a repartição indicada no anexo II.

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

Distribución del lote contemplado en el cuarto guión del apartado 5 del artículo 1

Fordeling af det i artikel 1, stk. 5, fjerde led, omhandlede parti

Zusammensetzung der in Artikel 1 Absatz 5 vierter Gedankenstrich genannten Partie

Κατανομή της παρτίδας που αναφέρεται στο άρθρο 1 παράγραφος 5 τέταρτη περίπτωση

Repartition of the lot meant in the fourth subparagraph of Article 1 (5)

Répartition du lot visé à l'article 1^{er} paragraphe 5 quatrième tiret

Composizione della partita di cui all'articolo 5, quarto trattino

Verdeling van de in artikel 1, lid 5, vierde streepje, bedoelde partij

Repertição do lote referido no n.º 5, quarto travessão, do artigo 1.º

<i>Cortes</i>	<i>Porcentaje en peso</i>
<i>Udskæringer</i>	<i>Vægtprocent</i>
<i>Teilstücke</i>	<i>Gewichtsanteile</i>
<i>Τεμάχια</i>	<i>Ποσοστό του βάρους</i>
<i>Cuts</i>	<i>Weight percentage</i>
<i>Découpes</i>	<i>Pourcentage du poids</i>
<i>Tagli</i>	<i>Percentuale del peso</i>
<i>Deelstukken</i>	<i>% van het totaalgewicht</i>
<i>Cortes</i>	<i>Percentagem do peso</i>
Roastbeef	9,3
Scamone	5,7
Fesa esterna	6,6
Fesa interna	8,6
Noce	5,5
Girello	2,3
Garretto/pesce	4,5
Collo/sottospalla	14,1
Spallé/garretto	16,8
Pancia	14,5
Petto	8,9
Sottospalla	1,6
Collo	1,6

Lote total

Vareparti i alt

Partie insgesamt

Σύνολο παρτίδας

Total lot

100,0 %

Lot total

Totale della partita

Totale partij

Lote total

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III
— ALLEGATO III — BIJLAGE III — ANEXO III*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

ESPAÑA :

Servicio nacional de productos agrarios (SENPA)
c/ Beneficencia 8
E-28004 Madrid
Tel. 347 63 10 / 347 65 00
Télex 23427 SENPA E
Telefax 521 98 32 / 522 43 87

ITALIA :

Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81
I-00185 Roma
Tel. 47 49 91
Telex 61 30 03

COMMISSION REGULATION (EEC) No 2743/91

of 18 September 1991

amending Regulation (EEC) No 693/88 on the definition of the concept of originating products for the purposes of the application of tariff preferences granted by the European Economic Community in respect of certain products from developing countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽³⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁴⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 3835/90 of 20 December 1990 amending Regulations (EEC) No 3831/90, (EEC) No 3832/90 and (EEC) No 3833/90 in respect of the system of generalized tariff preferences

applied to certain products originating in Bolivia, Colombia, Ecuador and Peru⁽⁵⁾,

Whereas Decision 90/672/ECSC of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain steel products originating in developing countries⁽⁶⁾, as amended by Council Decision 90/673/ECSC⁽⁷⁾, provides that the concept of originating products is to be defined under the procedure laid down in Article 14 of Council Regulation (EEC) No 802/68 of 27 June 1968 concerning the common definition of the origin of goods⁽⁸⁾; whereas the rules to be applied for this purpose should be the same as those laid down for other products;

Whereas the rules of origin contained in Annex III to Regulation (EEC) No 693/88⁽⁹⁾ are based on the use of the harmonized system (hereinafter referred to as the HS) which replaced the Customs Cooperation Council Nomenclature as from 1 January 1988;

Whereas no rule is given in Annex III to Regulation (EEC) No 693/88 for HS heading No ex 1505; whereas this does not correspond to the substance of the rule which previously applied to the corresponding heading of the CCC Nomenclature; whereas it is therefore appropriate to restore the substance of the rule of origin as it was before 1 January 1988;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex III to Regulation (EEC) No 693/88 the following origin rule is introduced:

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
'ex 1505	Refined lanolin	Manufacture from crude wool grease'

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽³⁾ OJ No L 370, 31. 12. 1990, p. 86.

⁽⁴⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽⁵⁾ OJ No L 370, 31. 12. 1990, p. 126.

⁽⁶⁾ OJ No L 370, 31. 12. 1990, p. 133.

⁽⁷⁾ OJ No L 370, 31. 12. 1990, p. 151.

⁽⁸⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁹⁾ OJ No L 77, 22. 3. 1988, p. 1.

Article 2

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 18 September 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2744/91**of 18 September 1991****fixing the maximum export refund for white sugar for the 21st 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 21st 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 21st 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 39,566 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 September 1991.

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

Done at Brussels, 18 September 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 2745/91

of 18 September 1991

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 2689/91⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2689/91 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

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, as fixed in the Annex to Regulation (EEC) No 2689/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 September 1991.

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

Done at Brussels, 18 September 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 255, 12. 9. 1991, p. 5.

ANNEX

to the Commission Regulation of 18 September 1991 altering the export refunds on white sugar and raw sugar exported in the natural 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	33,62 ⁽¹⁾	
1701 11 90 910	34,02 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,62 ⁽¹⁾	
1701 12 90 910	34,02 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3655
1701 99 10 100	36,55	
1701 99 10 910	36,98	
1701 99 10 950	34,48	
1701 99 90 100		0,3655

⁽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 2746/91

of 18 September 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 2561/91⁽⁷⁾, as last amended by Regulation (EEC) No 2728/91⁽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 240, 29. 8. 1991, p. 19.
(⁸) OJ No L 260, 17. 9. 1991, p. 11.
(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 17 September 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 2561/91 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 19 September 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, 18 September 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 18 September 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) (*)
1103 21 00	290,11	296,15
1104 19 10	290,11	296,15
1104 29 11	214,36	217,38
1104 29 31	257,87	260,89
1104 29 91	164,39	167,41
1104 30 10	120,88	126,92
1107 10 11	286,88	297,76
1107 10 19	214,36	225,24
1108 11 00	354,57	375,12
1109 00 00	644,68	826,02

(*) 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 2747/91
of 18 September 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 2734/91 ⁽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 17 September 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 19 September 1991.

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

Done at Brussels, 18 September 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. 16.

⁽⁴⁾ OJ No L 261, 18. 9. 1991, p. 10.

⁽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 18 September 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	37,83 ⁽¹⁾
1701 11 90	37,83 ⁽¹⁾
1701 12 10	37,83 ⁽¹⁾
1701 12 90	37,83 ⁽¹⁾
1701 91 00	43,18
1701 99 10	43,18
1701 99 90	43,18 ⁽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 2748/91**of 18 September 1991****fixing the aid for cotton**

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

Having regard to the Act of Accession of Greece, and in
particular paragraphs 3 and 10 of Protocol 4 thereto, as
amended by the Act of Accession of Spain and Portugal,
and in particular Protocol 14 annexed thereto, and
Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81
of 27 July 1981 laying down the general rules for the
system of aid for cotton ⁽²⁾, as last amended by Regulation
(EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in
Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by
Commission Regulation (EEC) No 2601/91 ⁽⁴⁾, as
amended by Regulation (EEC) No 2696/91 ⁽⁵⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 2601/91 to

the information at present available to the Commission
that the amount of the aid at present in force should be
altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of
Regulation (EEC) No 2169/81 shall be ECU 64,506 per
100 kilograms.

Article 2

This Regulation shall enter into force on 19 September
1991.

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

Done at Brussels, 18 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 243, 31. 8. 1991, p. 37.

⁽⁵⁾ OJ No L 255, 12. 9. 1991, p. 19.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 May 1991

concerning aid granted to enterprises in the Friuli-Venezia Giulia region

(Only the Italian text is authentic)

(91/500/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice to the parties concerned to submit their comments pursuant to Article 93,

Whereas :

By letter dated 7 November 1988, the Office of the Italian Permanent Representative transmitted the additional information requested.

Having learnt that other unnotified regional aid had been granted in two of the region's provinces (Gorizia and Trieste) under National Law No 26 of 29 January 1986, the Commission informed the Italian Government by letter of 14 March 1989 that these aids would be examined in conjunction with the aids to industry and craft businesses refinanced by Law No 3 of 30 January 1988 of the Friuli-Venezia Giulia region.

I

By letter of 14 April 1988 the Commission asked the Office of the Italian Permanent Representative, pursuant to Article 93 (3) of the EEC Treaty, for information concerning the refinancing of certain aid schemes for industry and craft businesses provided for in Law No 3 of 30 January 1988 of the Friuli-Venezia Giulia region.

By letter dated 1 June 1988, the Italian authorities indicated their position in regard to the measures in question.

By letter dated 1 September 1988, the Commission informed the Italian authorities that the refinancing of the aid schemes in force should be notified in accordance with Article 93 (3) of the EEC Treaty and that it had therefore decided to consider the refinancing in question as unnotified aid.

II

By letter of 24 July 1989, the Commission authorized several aids refinanced under Regional Law No 3/88, in particular those relating to craft businesses, and at the same time informed the Italian Government of its decision to initiate the Article 93 (2) procedure in respect of the following measures :

(a) *Regional Law No 3/88*

- Article 39 : increase in the equity capital of Friulia SpA,
- Article 40 : refinancing of the special fund for Friulia SpA,
- Article 41 : increase in the equity capital of Friulia Lis SpA,

- Article 42: refinancing of the revolving fund for economic initiatives (FRIE) provided for in National Law No 908 of 18 October 1955 and Law No 8 of 23 January 1970,
- Article 43: interest subsidy on investment by industrial undertakings (Regional Law No 25 of 11 November 1965),
- Article 44: leasing aid for industrial undertakings,
- Article 45: capital grants for investment by industrial undertakings,
- Article 46: applied research;

(b) *National Law No 26/86*

- Articles 2 and 4: exemption from tax and social charges in the provinces of Trieste and Gorizia,
- Article 6 (b): refinancing of the Trieste Fund provided for in Article 70 of Law No 1 of 31 January 1963,
- Article 6 (c): refinancing of the Gorizia Fund provided for in Article 5 (4) of Law No 700 of 27 December 1975,
- Article 7: refinancing of the endowment fund provided for in Article 12 of Presidential Decree No 102 of 6 March 1978.

In accordance with Article 93 (2) of the Treaty, a notice was published in the *Official Journal of the European Communities* inviting interested parties to submit their comments ⁽¹⁾.

The Commission initiated the Article 93 (2) procedure in respect of the measures provided for in Articles 39 and 41 of Law No 3/88 since it had not received the regular reports on the activities of the two regional financial undertakings Friulia and Friulia-Lis and was therefore unable to determine whether the proposed capital increases were compatible with the common market.

With regard to the measures provided for in Article 40 of Law No 3/88, the opening of the procedure was prompted in particular by the failure on the part of the Italian authorities to fulfil their undertaking ⁽²⁾ not to re-finance the special fund of Friulia SpA which had in the past granted aid that was incompatible with the common market.

With regard to the other measures, the procedure was initiated as the Commission was unable to apply the exemption provided for in Article 92 (3) (c) of the EEC Treaty.

Those measures either introduced or refinanced the following aids:

- (a) direct investment aid which could in some cases be combined with other aid ⁽³⁾:
 - reduced-interest loans or interest subsidies granted to firms in the region with a gross intensity of approximately 21 % (FRIE and Regional Law No 25/65),
 - capital grants of up to 20 % of investment costs under the regional measures (Regional Laws No 30 of 23 July 1984 and No 45 of 31 October 1986) limited to certain areas ⁽⁴⁾ and up to 30 % under the national measures (Gorizia and Trieste Funds);
- (b) operating aid granted to the provinces of Gorizia and Trieste in the form of relief from corporation tax and partial relief from social charges (Articles 2 and 4 of Law No 26/86);
- (c) leasing aid amounting to 20 % of the purchase price of machinery and/or equipment by small and medium-sized enterprises (SMEs) (Regional Law No 63 of 6 December 1973);
- (d) aid for applied research amounting to between 20 % and 70 % of eligible costs (Regional Law No 47 of 3 June 1978 and Law No 45 of 31 October 1986; endowment fund provided for in Article 12 of Decree No 102/78).

The Italian authorities submitted observations to the Commission by letter dated 14 October 1989. The comments may be summarized as follows:

- (a) the aids in question should be assessed on the basis not only of the level of socio-economic development recently attained in the Friuli-Venezia Giulia region but also on that of the region's economic development in the last 10 years;
- (b) the analysis should also take account of the more general measures introduced by the Italian Government under National Law No 828 of 11 November 1982. In view of the special status of the Friuli-Venezia Giulia region, the Italian authorities allocated special funds to enable it to adopt measures aimed at:
 - the development of productive activities in the area affected by the 1976 earthquake and in the mountainous areas of the Pordenone and Udine provinces,
 - the economic recovery of the Trieste and Gorizia provinces and the southern part of the area characterized by declining industries;
- (c) the effect of the aids in question on trade between Member States should be assessed solely on the basis of the actual application of the various schemes;

⁽³⁾ The Law in question does not expressly prohibit combination with other aid.

⁽⁴⁾ Upland areas, provinces of Trieste and Gorizia, industrial areas of Aussa-Corno and S. Vito al Tagliamento and some areas of Bassa Friulana and Sanvitese.

⁽¹⁾ OJ No C 300, 29. 9. 1989, p. 4.

⁽²⁾ See closure of State aid procedure No C/3305/73.

(d) the intensity of the leasing aid was reduced in 1989 to 15 %, a level which the Commission had authorized in 1982. This aid, aimed in particular at facilitating the modernization of SMEs in the area in question, has only a limited impact on competition.

On 31 January 1990, the Italian authorities also sent the Commission a summary report on the activities of Friulia SpA and Friulia-Lis SpA in the period 1983 to 1989 and pointed out that no aid for applied research is granted to firms from the fund provided for in Article 7 of Law No 26/86 which is intended only to finance fundamental research.

On 25 March 1991 the Italian authorities sent the Commission the text of Law No 12 of 18 March 1991 of the Friuli-Venezia Giulia region aimed at bringing regional industrial aid measures into line with Community rules.

III

The measures described above constitute State aids within the meaning of Article 92 (1) of the Treaty as they are liable to distort competition and adversely affect intra-Community trade by improving the recipient's return on his investment in relation to Community competitors not benefiting from such aid.

In particular, the aid affects trade between Member States since part of the production of the firms concerned is exported to other Member States ; in addition, where such firms do not export, domestic production is favoured since the ability of firms in other Member States to export their products to the Italian market is restricted (¹).

Aid also adversely affects trade by influencing firms' decisions on where to locate. To the extent that aid leads a firm to choose a location in an assisted area or to move from one Member State to another, the production at the new site and the supply of products from that site alter the flow of intra-Community trade.

In view of the foregoing, the aids in question are caught by the general ban in Article 92 (1) of the Treaty. As they were not notified in advance to the Commission in accordance with Article 93 (3), they are in breach of the procedure and hence illegal.

IV

The measures forming the subject of this procedure are aimed at encouraging economic development in certain

areas of the Friuli-Venezia Giulia region ; some are also aimed at the development of certain activities such as research.

The compatibility of the regional aid should be assessed in the light of the exemptions provided for in Article 92 (3) (a) and (c) of the Treaty.

The exemptions require that the aid should serve specific Community objectives rather than simply serving the interests of the Member State or the aid recipient. They must also be applied restrictively and may in particular be invoked only when the Commission is satisfied that market forces alone would be insufficient to make recipients adopt behaviour that would serve one of the objectives provided for in Article 92.

The invoke the exemptions in the case of aid that did not serve such an objective would be to allow trading conditions between Member States to the affected and competition to be distorted without any compensatory contribution to the Community interest.

Regional aid

In applying the principle set out above in its scrutiny of regional aid schemes, the Commission must satisfy itself that the regions concerned are suffering from problems that are sufficiently serious, on a Community-wide comparison, to require the grant of aid at the level proposed. The scrutiny must show that aid is necessary if the objectives specified in Article 92 (3) (a) or (c) of the Treaty are to be attained. The Commission has discretionary powers for this purpose which it exercises by focusing on the socio-economic situation of a region in its Community context.

Article 92 (3) (a) allows exemptions for aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment.

In its communication on the method for the application of Article 92 (3) (a) and (c) to regional aid published in *Official Journal of the European Communities* No C 212 of 12 August 1988, the Commission defined regions that had an abnormally low standard of living or serious under-employment as NUTS level II areas (²) (regions in Italy) with a GDP/PPS (purchasing power standards) equal to or less than 75% of the Community average.

(¹) See Judgment of 13 July 1988 in Case 108/87 [1988 ECR 4067].

(²) Nomenclature of Statistical Territorial Units of the European Community.

Since Article 92 (3) (a) is not applicable in the case in point, the per capita GDP/PPS of the Friuli-Venezia Giulia region being considerably greater than 75 % of the Community average, the analysis was based on the method for the application of Article 92 (3) (c) to regional aid. That Article provides that aid to facilitate the development of certain economic areas may be authorized where it does not adversely affect trading conditions to an extent contrary to the common interest.

The effects of regional aid on trading conditions may be considered compatible with the common interest if the Commission is satisfied that the recipient region is experiencing sufficiently serious difficulties in relation to the Community average; that, without the aid, market forces alone would not eliminate such difficulties and, lastly, that the aid would not unduly distort competition in particular sectors.

To that end, the Commission has established for all the Member States thresholds for structural unemployment and per capita gross domestic product to be applied in a first stage of analysis to determine whether a region may benefit from regional aid under Article 92 (3) (c). The different thresholds for the Member State are calculated on the basis of their respective positions in relation to the Community average and are more stringent for the more developed Member States. The thresholds for Italy are currently fixed at 85 % of the national average GDP per capita and 110 % of average national unemployment levels.

In a second stage of analysis, the Commission takes account of various other relevant factors, some of which may have been communicated by the Member State concerned.

The analysis is based on the availability of harmonized NUTS level III statistics. Consequently, unless there are duly substantiated reasons, the analysis of the areas eligible for aid is based on a level which in the case of Italy is that of the province.

It emerged from the first stage of the method that the four provinces of the Friuli-Venezia Giulia region, i.e. Udine, Pordenone, Gorizia and Trieste, did not qualify for regional aid since their per capita GDP was higher than 85 % of the national average and their unemployment levels lower than 110 % of the national average.

The analysis based on other economic indicators in accordance with the second stage of the method of applying Article 92 (3) (c), however, showed that there was justification for retaining regional aid in the provinces of Gorizia and Trieste since the level of unemployment in those provinces, although falling, is relatively high compared with most other provinces in Northern Italy.

In addition, analysis of the economic structure reveals a level of dependence on declining industries, particularly shipbuilding, which is still relatively high despite the serious losses they have incurred in recent years.

These factors, together with the relative geographic isolation of the two provinces in question, indicate that their economy would still be vulnerable to any cyclical reversal, particularly if all the aids to investment were to be prohibited immediately.

In view of the foregoing, the Commission has decided not to object to the granting of regional aid in the two provinces in question.

The aid in question should nevertheless be in proportion to the gravity of the socio-economic problems encountered; on the basis of the most recent figures available on unemployment (1987 to 1990) an aid levels authorized for other regions under Article 92 (3) (c), the Commission considers that an aid intensity of 15 % gross may be regarded as compatible with the common market in the provinces of Gorizia and Trieste⁽¹⁾.

The tax exemption and relief from social charges pursuant to Articles 2 and 4 of Law No 26/86 to assist firms in these provinces constitute operating aid incompatible with the common market. Under the method described above, this type of aid may be authorized only for regions entitled to regional aid within the meaning of Article 92 (3) (a) of the Treaty.

As the immediate abolition of these aids could have negative effects on the economy of the two provinces, the Commission has decided temporarily to authorize the application of these aid measures until 30 July 1992.

⁽¹⁾ In its assessment, the Commission took particular account of the fact that the level of 30 % net grant equivalent which is the maximum intensity authorized under Article 92 (3) (c) is applicable from 1991 in the province of Frosinone, which is experiencing far more serious socio-economic problems than the two provinces in question.

As regards the provinces of Udine and Pordenone, it emerged from the second stage of the analysis that the Commission could not authorize, even temporarily, the continued application of the regional aid measures as the unemployment level in the two provinces is considerably lower than the national average⁽¹⁾ and the industrial base is essentially made up of extremely dynamic SMEs in sectors not faced with any substantial problem.

Aid to research

These aids were analysed in the light of the exemptions provided for in Article 92 (3) (c) concerning aid to facilitate the development of certain activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.

The Commission considers that aid to applied research could qualify for exemption if the maximum intensities laid down for this type of aid in the Community framework for State aids for research and development⁽²⁾ are complied with.

Friulia SpA and Friulia-Lis SpA

Friulia SpA was set up mainly with public capital in order to facilitate economic development in the region by acquiring minority shareholdings (usually 35 % of the capital) in small firms with good development prospects.

Friulia-Lis SpA was also set up mainly with public capital in order to promote the development of SMEs in the region through the leasing of plant and machinery.

On the basis of the report received from the Italian authorities, it may be concluded that the capital increases provided for in Articles 39 and 41 of Regional Law No 3/88 do not finance aid which is incompatible with the common market. The Commission must, however, continue to be able to monitor aid granted by Friulia-Lis on the basis of annual reports to ensure the necessary transparency;

As regards the refinancing of the special endowment fund of Friulia SpA provided for in Article 40 of Regional Law No 3/88, it should be noted that the Regional Council can order the fund to be used according to economic or social requirements (Article 1 of Law No 22 of 13 May 1975). The Italian report shows that the fund was effectively used to finance ailing enterprises through the acquisition of shareholdings, subsidized loans and the provision of technical and administrative assistance.

Although in most cases these measures appear to have had a positive effect, at 30 June 1989 there were eight companies facing bankruptcy proceedings and three others in difficulty out of a total of 68 enterprises receiving assistance from Friulia's special endowment fund. The assistance given to these companies without any real future was reflected in the relatively large provisions for contingencies in the companies' balance sheets and in abnormally low operating results.

Concentrated for the most part in sensitive sectors, these measures thus transferred, without any real justification, the social or industrial problems in question from one Member State to another, providing only temporary relief to the recipient enterprises since the measures were not accompanied by the immediate application of a sound restructuring plan in accordance with the guidelines on rescue aid communicated by the Commission to the Member States in the Eighth Report on Competition Policy (point 228). They must therefore be considered incompatible with the common market pursuant to Article 92 (1) of the EEC Treaty.

Comments by the Italian authorities

As regards the general comments initially presented by the Italian authorities, it should be emphasized that according to the method for the application of Article 92 (3) (c) to national regional aid, the socio-economic position of the region is to be assessed on the basis of the last five years for which statistics are available⁽³⁾. The Commission regards this period as sufficient to detect the existence of any regional disparity, especially bearing in mind the need to take account of structural unemployment in the region (first stage of the method) and its development (second stage of the method).

Secondly, the question of assessing the regional aid measures in the context of the general action taken following the 1976 earthquake does not seem relevant since, even if Law No 828/82 provided the resources to finance a large part of the regional aid measures to date, this does not affect the assessment of their compatibility with the common market since such assessment does not take account of the origin of the funds used.

In addition, as the earthquake took place several years ago, it would be difficult to use it to justify maintaining regional development aid as a measure accompanying reconstruction aid.

⁽¹⁾ 4,6 % in Udine and 5,2 % in Pordenone as against 10,2 % for Italy as a whole (1990-Eurostat).

⁽²⁾ OJ No C 83, 11. 4. 1986.

⁽³⁾ The European indices used in the method are in fact calculated on that basis.

As regards the argument concerning the effective application of the different schemes, it should be pointed out that even if the intensity of the aid granted under some of the schemes in question (notably aid to research) was lower than the maximum provided for by the Law, the level exceeds those authorized by the Commission and the aids are therefore not compatible with the common market.

As regards the aid to research granted from the fund referred to in Article 7 of National Law No 26/86, the Commission considers that it is not caught by Article 92 (1) of the EEC Treaty as it concerns only fundamental research not carried out in an enterprise.

The Commission also examined Law No 12 of 18 March 1991 of the Friulia-Venezia Giulia region aimed at bringing regional aid for industry into line with Community rules. It modifies aid schemes such as those refinanced under Articles 39, 40, 41, 43, 44, 45 and 46 of Regional Law No 3/88.

The Commission considers that, as a result of that Law, the aid schemes of the Friuli-Venezia Giulia region against which it initiated the procedure are now compatible with the common market pursuant to Article 92 (3) (c).

In accordance with that Law, the Italian authorities:

- abolished the regional aid schemes in force in the provinces of Udine and Pordenone,
- limited the regional aid intensities in the provinces of Gorizia and Trieste to a maximum of 15 % gross,
- limited the level of aid to applied research to the maximum fixed in the Community framework for State aids for research and development,
- limited the application of leasing aid (15 % gross of purchase price) to SMEs employing not more than 250 persons and having a turnover not exceeding Lit 30 billion,
- ensured that aid granted by Friulia SpA from its special endowment fund complies with the Commission communication to Member States on rescue and accompanying aid by making it compulsory to notify the Commission in advance of individual cases.

Law No 12 of 18 March 1991 also provides for general investment aids for SMEs in the region, modifying the aid schemes against which the procedure was initiated and applying the following ceilings:

- 15 % gross for SMEs employing not more than 250 persons and having a turnover not exceeding Lit 30 billion,

- 20 % gross for SMEs employing not more than 50 persons and having a turnover not exceeding Lit 7,5 billion.

These aids, which may be combined with other regional aid authorized for the provinces of Gorizia and Trieste up to a maximum of 10 % may be considered compatible with the common market under Article 92 (3) as they are intended to facilitate the development of certain economic activities without thereby adversely affecting trading conditions to an extent contrary to the common interest.

As a result of the amendments introduced by Law No 12 of 18 March 1991, the Commission considers that the only measures that are still incompatible with the common market within the meaning of Article 92 (1) are:

- the operating aid provided for in Articles 2 and 4 of Law No 26/86 as regards its application after 30 June 1992,
- the regional investment aids granted in the Gorizia and Trieste provinces by the FRIE pursuant to Article 42 of Regional Law No 3/88 and through the Gorizia and Trieste funds provided for in Article 6 (b) and (c) of National Law No 26/86 as their intensity is in excess of 15 % gross,
- the regional investment aid granted through the FRIE in the provinces of Udine and Pordenone.

V

To enable the Commission, as part of the constant review provided for in Article 93 (3) of the Treaty, to monitor the application of the aids authorized, the Italian Government is required to submit by June of each year a report on the aids in question and on the activities of Friulia SpA and Friulia-Lis SpA together with a special report on aid granted from the special endowment fund of Friulia SpA,

HAS ADOPTED THIS DECISION:

Article 1

The refinancing of the aid schemes provided for in Articles 39, 40, 41, 43, 44, 45 and 46 of Law No 3 of the Friuli-Venezia Giulia region of 30 January 1988, as amended by Regional Law No 12 of 18 March 1991, is compatible with the common market in accordance with Article 92 (3) (c) of the EEC Treaty.

Article 2

The regional investment aids granted in the provinces of Gorizia and Trieste through the FRIE under Article 42 of Law No 3 of the Friuli-Venezia Giulia region of 30 January 1988, and through the Gorizia and Trieste funds under Article 6 (b) and (c) of National Law No 26 of 29 January 1986 are compatible with the common market in accordance with Article 92 (3) (c) of the EEC Treaty provided their intensity does not exceed 15 % gross.

Article 3

The regional investment aids granted in the provinces of Udine and Pordenone through the FRIE, under Article 42 of Law No 3 of the Friuli-Venezia Giulia region of 30 January 1988, are incompatible with the common market in accordance with Article 92 (1) of the EEC Treaty.

Article 4

The aid provided for in Articles 2 and 4 of National Law No 26 of 29 January 1986 is incompatible with the common market in accordance with Article 92 (1) of the EEC Treaty. Such aid may, however, be granted temporarily until 30 June 1992.

Article 5

This Decision is without prejudice to compliance with present or future special rules applicable to aid granted in certain sectors.

Article 6

Italy shall inform the Commission within one month of the date of notification of this Decision of the measures it has taken to comply therewith.

Article 7

Italy shall provide the Commission each year before the end of June, with :

- a report on the application of the various aid schemes authorized by this Decision with reference, for each type of aid, to eligible costs, the corresponding aids granted, and the sectors involved,
- a report on the activities of Friulia SpA and Friulia-Lis SpA based on the model already communicated to the Commission for the period 1983 to 1989, indicating the number of employees in each enterprise,
- a special report giving details for each enterprise of aid granted from the special endowment fund of Friulia SpA.

Article 8

This Decision is addressed to the Italian Republic.

Done at Brussels, 28 May 1991.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2654/91 of 5 September 1991 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 2364/91

(Official Journal of the European Communities No L 249 of 6 September 1991)

Page 10, Article 7:

for: '... 7 August 1991.'

read: '... 12 September 1991.'

Corrigendum to Decision 91/380/ECSC of the representatives of the Governments of the Member States meeting within the Council of 15 July 1991 on the opening of a zero-duty tariff quota for flat-rolled products of silicon-electrical steel

(Official Journal of the European Communities No L 204 of 27 July 1991)

Page 51, Sole Article, second and third lines:

for: '... of 300 tonnes of cold-rolled, grain-oriented flat-rolled products ...',

read: '... of 300 tonnes per six months of cold-rolled, grain oriented flat-rolled products ...'.

Corrigendum to Decision 91/381/ECSC of the representatives of the Governments of the Member States meeting within the Council of 15 July 1991 on the opening of a zero-duty tariff quota for special wire rod for the manufacture of valve springs

(Official Journal of the European Communities No L 204 of 27 July 1991)

Page 52, Sole Article:

— Third line:

for: '... and 1 200 tonnes respectively of special wire rod ...',

read: '... and 1 200 tonnes respectively per six months of special wire rod ...'.

— Fifth line:

for: '... ex 7213 50 00 ...',

read: '... ex 7213 50 10 ...'.
