

Official Journal

of the European Communities

ISSN 0378-6978

L 246

Volume 36

2 October 1993

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 2717/93
of 28 September 1993**

imposing a definitive anti-dumping duty on imports of ferro-chrome with a carbon content by weight of maximum 0,5 % (low carbon ferro-chrome), originating in Kazakhstan, Russia and Ukraine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 797/93⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of ferro-chrome with a carbon content by weight of maximum 0,5 % (low carbon ferro-chrome), originating in Kazakhstan, Russia and Ukraine.

The Council, by Regulation (EEC) No 2078/93⁽³⁾, extended this duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, a number of the interested parties made submissions to the Commission making known their views of the findings which were taken account of as considered appropriate. Those who so requested were also granted an opportunity to be heard by the Commission.

- (3) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of the definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.

C. Product under investigation and like product

1. Origin of the imported product

- (5) The Russian exporter which accounted for more than 80 % of Community imports of the product concerned claimed to be unable to determine the origin of the product exported since it was sold from a central stock of the former USSR. It was not disputed that most of these stocks originated in the three countries concerned. As to the remainder the exporter alleged that this merchandise may have been supplied by a producer located in Georgia. Since, however, no evidence has been submitted to substantiate this allegation and in view of the fact that no imports originating in Georgia appear in Eurostat statistics since the date where statistical information is provided for each of the new republics, it can be safely assumed that the quantities exported by this exporter do not include materials from Georgia.

2. Like product

- (6) In its Regulation (EEC) No 797/93 (see recitals 8 to 11) the Commission had established that the different grades of low carbon ferro-chrome were sufficiently alike to constitute one like product within the meaning of Article 2 of Regulation (EEC) No 2423/88.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 80, 2. 4. 1993, p. 8.

⁽³⁾ OJ No L 187, 29. 7. 1993, p. 51.

- (7) Interested parties, however, continued to argue that due to differences in prices between the different grades of low carbon ferro-chrome depending on the carbon content of the product, low carbon ferro-chrome did not comprise one single product and the Commission should distinguish in its final determination between low carbon ferro-chrome with a carbon content above 0,06 % and low carbon ferro-chrome below 0,05 % carbon content should be excluded from the scope of the measure since only small quantities were exported to the Community.

- (8) The Commission could not accept these arguments since they were not supported by evidence received in the course of the investigation. In this context the Commission notes that :

(a) documents made available in the investigation show that the cost of production for low carbon ferro-chrome does not depend on the level of the carbon content since most grades with a carbon content below 0,5 % result from one identical production process ;

(b) information supplied by the exporter mentioned in recital 5 show that sales of low carbon ferro-chrome whose carbon content varied by margins of 30 to 50 % were invoiced at the same price and with an identical product designation, and that

(c) most customers order a wide range of grades with specific carbon contents. These specifications, however, are usually intended to indicate only the rate within which the carbon content of the ferro-chrome can vary ;

(d) furthermore, the documents submitted by the exporter show that for transactions invoiced with a carbon content of 0,06 % most of the products actually exported had a carbon content of 0,05 % and less. This concerns an export volume of more than 1 500 tonnes of ferro-chrome in the investigation period ; it can therefore be assumed that the trade statistics understate to a considerable extent the imports of ferro-chrome with a carbon content of 0,05 % or less.

- (9) The Council, therefore, confirms the Commission's opinion that low carbon ferro-chrome with diffe-

rent grades of carbon content are essentially interchangeable and sufficiently alike to constitute one single product. To exclude low carbon ferro-chrome with a carbon content of 0,05 % or less on the ground that the volume of transactions is negligible is not justified in view of the findings made in the investigation.

D. Community industry

- (10) After the imposition of the provisional duties, interested parties repeated their request that Elektrowerk Weisweiler GmbH (hereinafter referred to as EWW), the sole Community producer should be excluded from the proceeding as part of the Community industry, in accordance with Article 4 (5) of Regulation (EEC) No 2423/88 since EWW or a related company allegedly negotiated with certain producers in the countries concerned about a possible purchase of low carbon ferro-chrome. Since no evidence concerning imports of low carbon ferro-chrome by the Community producer or its group had been submitted, the Council confirms that the request to exclude this company from forming part of Community industry is unfounded.

E. Dumping

1. Normal value

- (11) Since all three countries concerned are non market economy countries the Commission in its provisional determination established normal value in accordance with Article 2 (5) of Regulation (EEC) No 2423/88, on the basis of data pertaining to a market economy third country (analogue country) (see recital 14 of Regulation (EEC) No 797/93). Since the South African producer of low carbon ferro-chrome which was proposed by the complainants did not cooperate during the investigation the Commission requested information from a producer of ferro-chrome in Zimbabwe. After the imposition of the provisional duty it received the information requested from this producer which, however, did not allow verification of the information at its premises. Nevertheless, since the information submitted was complete and conclusive there was no indication that it was incorrect. The Commission therefore used this information to

establish the normal value on the basis of the cost of production in Zimbabwe as an analogue market plus a profit of 5 % and the Council confirms this approach.

2. *Export price*

- (12) Since no exporter from the countries concerned submitted export prices and quantities within the deadline set by the Commission after the initiation of the proceeding (see recital 4 of Regulation (EEC) No 797/93) the Commission provisionally established export prices on the basis of the average import price of the Community trade statistics (see recital 16 of Regulation (EEC) No 797/93).

- (13) After the imposition of the provisional duties one Russian exporter which replied to the questionnaire but did not supply full details of its exports submitted evidence concerning its export prices and quantities. In view of the extraordinary economic and social situation prevailing in the exporting countries and since these exports accounts for more than 80 % in the Community imports of the products concerned the information was taken into account for the final determination of the export price.

- (14) The export price was therefore established on the basis of prices and quantities shown in the information submitted by the Russian exporter. Only shipments destined for a port in the Community were taken into account.

The Council confirms this approach.

3. *Comparison*

- (15) For the comparison, export prices and normal value were converted into ecus. Since the currency of Zimbabwe had devalued significantly in the second half of 1991 separate normal values were established for the shipments effected in the third and fourth quarters of the year 1991 and the first half of the year 1992.
- (16) Export prices were compared on a fob Russian export harbour basis with a normal value at ex-works Zimbabwe level. Due allowances were made for differences in physical characteristics as described in recital 15 of Regulation (EEC) No 797/93.

4. *Dumping margin*

- (17) Normal value and export prices were compared on a transaction by transaction basis. The final examination of the results of this comparison showed the existence of dumping in respect of ferro-chrome with a carbon content by weight of maximum

0,5 % originating in Kazakhstan, Russia and Ukraine, the margin of dumping being equal to the amount by which the normal value exceeded the price for export to the Community.

- (18) The dumping margin amounts to ECU 0,31 per kilogram low carbon ferro-chrome which corresponds to 44,89 % of the cif value, free at Community border.

The Council confirms the dumping margin as established above.

F. *Injury*

1. *Injury factors*

- (19) The comments of the parties concerned with respect to injury after the imposition of the provisional duty did not contain any new aspects to rebut the facts of the investigation as they are set out in recitals 21 to 28 to Regulation (EEC) No 797/93. The Commission established in particular, that, contrary to allegations made by certain interested parties, imports from the countries concerned did not decrease in 1992 but rose by more than 10 % to 16 308 tonnes.
- (20) Under these conditions, the Commission maintains its conclusion that the Community producer suffered material injury and the Council confirms the determination.

2. *Causality*

- (21) In recital 30 of Regulation (EEC) No 797/93 the Commission provisionally established that in view of the significant increase in quantities and market share together with the high level of price undercutting, which in a transparent market with a limited number of operators, put the Community producer in a precarious competitive position, the imports in question had caused injury to the Community industry. Since the comments of the parties concerned with respect to causality after the imposition of the provisional duty did not contain any new aspects the Commission maintains and the Council confirms the findings and conclusions mentioned above.
- (22) With reference to other factors, several interested parties repeated their comments concerning the imposition of the provisional duty that the injury suffered by the Community producer was caused by imports from other third countries (South Africa, Zimbabwe etc.) and that Community producer's economic difficulties were the result of a change in technology of the stainless steel production which had led to a reduction in the consumption of low carbon ferro-chrome.

(23) These submissions, did not rebut the facts as set out in recitals 31 to 34 of Regulation (EEC) No 797/93, which showed that:

- (a) the imports from other major suppliers to the Community market had reduced considerably;
- (b) the prices at which these quantities were sold in the Community market did not or only to a very small extent undercut the Community producer's prices; and
- (c) the consumption of low carbon ferro-chrome in the Community had slightly increased.

(24) In addition, with regard to imports reported under the country heading 'secret' (see recital 35 of Regulation (EEC) No 797/93) the Commission received information which supported the assumption that considerable quantities of these imports originated in the three countries concerned.

(25) In view of these facts, the Commission maintains and the Council confirms the conclusion that the dumped imports originating in Kazakhstan, Russia, and Ukraine have caused material injury to the Community industry.

G. Community interest

(26) In evaluating the Community interest, the Commission concluded in its provisional determination (see recitals 37 to 40 of Regulation (EEC) No 797/93) that anti-dumping measures would have a positive effect on competition in the Community, as it would allow traditionally strong competitors to re-enter the Community market and give the sole Community producer the possibility of participating in this competition. This would prevent the Community from being totally dependent on a restricted number of exporters for a product which is recognized as being of strategic importance for which some Member States have developed a national stockpiling programme.

(27) In considering the interest of the consumers of low carbon ferro-chrome the Commission established that the input of this product in the production of stainless steel is below 0,1 % and concluded that a measure on the imports in question would not weaken the competitiveness of the stainless steel industry in the Community. The Commission, therefore, determined that in the present case, it is in the interest of the Community to grant protection to the Community industry against unfair competition from dumped imports.

(28) Following the imposition of the provisional duty no interested party submitted new arguments or

disputed the findings. The Council therefore confirms these findings and concludes that it is in the Community interest to adopt anti-dumping measures to eliminate the injurious effects to the dumped imports and that these measures should take the form of anti-dumping duties.

H. Duty

(29) In examining whether the definitive duty should be equal to the dumping margin found or a lower duty would be sufficient to remove the injury caused by dumping, in accordance with Article 13 (3) of Regulation (EEC) No 2423/88, the Commission compared the dumping margin with the price undercutting, the major reasons for injury, at cif level. Since price undercutting significantly exceeded the dumping margin the duty should be imposed at the level of the latter.

(30) The exporters concerned sell low carbon ferro-chrome besides a variety of other products to the importers in the Community. In order to minimize the risk that the duty is evaded by price manipulation it is considered appropriate to impose the duty in the form of a specific amount per kilogram. The definitive duty to be imposed on the imports of ferro-chrome with a carbon content of 0,5 % or less should therefore amount to ECU 0,31 per kilogram.

(31) The Council confirms this level of the duty.

I. Collection of provisional duties

(32) In view of the importance of the dumping margin found and the seriousness of the injury caused to the Community producer, the Council considers it necessary that the amounts secured by way of provisional anti-dumping duties should be collected in full,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferro-chrome with a carbon content of maximum 0,5 % falling within CN codes 7202 49 10 and 7202 49 50, originating in Kazakhstan, Russia and Ukraine.

2. The rate of the duty shall be ECU 0,31 per kilogram net.

3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Commission Regulation (EEC) No 797/93 shall be definitively collected at the rates of provisional duty.

Article 3

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

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

Done at Brussels, 28 September 1993.

For the Council

The President

G. COEME

**COUNCIL REGULATION (EEC) No 2718/93
of 28 September 1993**

on the conclusion of the Protocol defining, for the period 18 January 1993 to 17 January 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles on fishing off Seychelles

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas, in accordance with the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed in Brussels on 28 October 1987, the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol defining for the period 18 January 1993 to 17 January 1996 the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 14 January 1993;

Whereas it is in the Community's interest to approve that Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period 18 January 1993 to 17 January 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Brussels, 28 September 1993.

For the Council

The President

G. COEME

⁽¹⁾ OJ No C 194, 19. 7. 1993.

PROTOCOL

defining for the period 18 January 1993 to 17 January 1996 the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles on fishing off Seychelles

Article 1

1. Pursuant to Article 2 of the Agreement, and notwithstanding Article 12 of the Agreement relating to further periods of the Agreement, licences to fish simultaneously in Seychelles' waters shall be granted to 40 ocean-going tuna seiners for a period of three years beginning on 18 January 1993.

2. Furthermore fishing licences may also be granted for tuna trollers and surface tuna longliners not exceeding 18 metres length overall.

Article 2

The financial contribution referred to in Article 6 of the Agreement shall be fixed at ECU 6 900 000 for the period provided for in Article 1 of this Protocol, payable in three equal annual instalments. The financial contribution corresponds to a catch of 46 000 tonnes of tuna per year in Seychelles' waters. If the tuna caught by Community vessels in Seychelles' waters exceeds 46 000 tonnes, the Community shall increase the financial contribution proportionately.

Article 3

The Community shall also pay, during the period referred to in Article 1, a contribution of ECU 2 700 000 payable in three equal annual instalments, towards the financing of scientific programmes in Seychelles to gain greater knowledge of fish stocks concerning the region of the Indian Ocean surrounding the Seychelles islands, particularly in respect of highly migratory species, and the purchase or maintenance or both, as Seychelles may think

fit, of equipment to improve the administrative structure relating to fisheries in Seychelles.

The Seychelles authorities shall forward a brief report on the way that amount is used to the Commission services.

Article 4

The two parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Seychellois nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 300 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 100 000 may be used, at the request of the Seychelles' authorities, to cover the cost of attending international meetings relating to fisheries.

Article 5

The Protocol and Annex I, dated 18 and 17 January 1990 respectively, to the Agreement which came into force on 28 October 1987 between the European Community and the Republic of Seychelles on fishing off Seychelles are hereby repealed and replaced by this Protocol and Annex I.

Article 6

This Protocol and Annex I shall enter into force on the date of their signature.

This Protocol and Annex I shall be applicable from 18 January 1993.

ANNEX I

Conditions for the pursuit of fishing activities by Community vessels in Seychelles' waters**1. Licence application and issuing formalities**

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Seychelles' waters shall be as follows :

- (a) the Commission of the European Communities shall present to the Seychelles Fishing Authority, via the representative of the Commission of the European Communities in Seychelles, an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by the Seychelles, a specimen of which is annexed hereto ;
- (b) every licence shall be issued for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may, and, in cases of *force majeure*, will be replaced by a licence for another Community vessel ;
- (c) the licences shall be delivered by the Seychelles' authorities to the shipowners, or their representatives or agents. The representative of the Commission of the European Communities shall be notified of the licences granted by the authorities of Seychelles ;
- (d) the licence document must be held on board at all times ;
- (e) the Seychelles' authorities shall communicate before the date of entry into force of the Agreement the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) As far as tuna seiners are concerned, the fees shall be set at ECU 20 per tonne caught within Seychelles' waters. Licences for these vessels shall be issued following advance payment to Seychelles of a lump sum of ECU 5 000 per year for each vessel, equivalent to the fees for 250 tonnes of tuna caught within the Seychelles' waters per year.
- (c) For small tuna trollers and surface tuna longliners mentioned in Article 1 of the Protocol, the licence fee is fixed at ECU 20 per tonne caught in Seychelles' waters. The licences shall be issued following advance payment to Seychelles of a lump sum of ECU 500 a year per vessel, equivalent to the fees due for 25 tonnes of tuna caught in Seychelles' waters per year.
- (d) A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Seychelles' authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Seychelles' Treasury no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities, taking into account available scientific opinion, particularly of FAO, Orstom and the Spanish Institute of Oceanography (IEO) experts established in the Seychelles, and any statistical data which can be gathered by an international fishing organization in the Indian Ocean and any comments or data supplied by the Seychelles authorities to the Commission. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations is less than the advance payment, the Seychelles authorities shall retain the balance.

3. Observers

Tuna seiner vessels shall, at the request of the Seychelles' authorities, take on board an observer designated by the said authorities in order to check catches made in Seychelles' waters. Observers shall have all facilities necessary for the performance of these duties, including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna seiner with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowners' expense.

4. *Employment of fishermen*

Each tuna seiner shall take on board at least two Seychelles' fishermen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the fishermen shall be drawn up in Victoria between the shipowners' representatives and the fishermen in agreement with the Seychelles Ministry responsible for Employment. This contract shall cover the social security arrangements applicable to the fishermen including life, accident and sickness insurance.

5. *Landing*

Tuna seiners landing in the port of Victoria will endeavour to make their by-catches available to the Seychellois authorities at the local market prices. Furthermore the Community tuna seiners shall participate in supplying tuna to the Seychelles canneries at international market prices.

6. *Radio communications*

While they are engaged in fishing activities in the Seychelles' waters, vessels shall communicate their position and catches every three days to the Seychelles' authorities via Victoria radio station and, at the end of each trip, the result of their catches.

7. *Fishing zone*

To avoid any adverse effect on small-scale fisheries in Seychelles' waters, fishing by Community vessels shall not be authorized in the zones defined in the Seychelles regulations nor within three miles around any fish-aggregating device placed by the Seychelles authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

8. *Port equipment and use of supplies and services*

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

9. *Catch statements*

Community vessels shall be required to complete a fishing log book for each fishing period in Seychelles' waters. Failure to complete this logbook, duly proven falsification of the details required to be entered therein or failure to pay any fees due by any Community vessel under this Agreement may be penalized by suspension, revocation or non-renewal of the vessel's fishing licence. Suspension or revocation of a fishing licence shall be regarded as force majeure for the purpose of point 1 (b) of this Annex.

Before any licence is suspended or revoked, the Commission of the European Communities will be fully informed of all the relevant facts.

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant :

Address of applicant :

.....

Name and address of charterer of vessel if different from above :

.....

Name and address of other legal representative in Seychelles :

.....

Name and address of master of vessel :

.....

Name of vessel :

Type of vessel :

Length and registered net tonnage of vessel :

Engine type, horse power and gross registered tonnage :

Port and country of registry :

Registration number :

Fishing vessel external identification :

Radio call sign/signal letters :

Frequency :

Particulars of equipment :

Number and nationality of crew :

Proposed fishing area and species of fish :

.....

.....

Description of fishing operations, joint ventures and other contractual arrangements :

.....

.....

.....

.....

I certify that the above particulars are correct.

Date :

Signature :

COMMISSION REGULATION (EEC) No 2719/93

of 1 October 1993

fixing the maximum buying-in price and the quantities of beef bought in for the 100th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

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 125/93 ⁽²⁾, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef ⁽³⁾, an invitation to tender was opened by Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EEC) No 2634/93 ⁽⁵⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R 3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure;

Whereas, after examination of the tenders submitted for the 100th partial invitation to tender and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings and prices, it has been decided not to proceed with the tendering procedure

for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

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

For category A, no award shall be made against the 100th partial invitation to tender opened by Article 1 (1) of Regulation (EEC) No 1627/89.

Article 2

For category C:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 236,45 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 2 782 tonnes.

Article 3

This Regulation shall enter into force on 4 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁵⁾ OJ No L 240, 25. 9. 1993, p. 34.

COMMISSION REGULATION (EEC) No 2720/93

of 28 September 1993

imposing a provisional anti-dumping duty on imports of isobutanol originating in the Russian Federation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PROCEDURE

- (1) In June 1992 the Commission received a complaint lodged by the European Chemical Industry Council (Cefic) on behalf of producers representing a major proportion of the Community production of isobutanol.

The complaint contained evidence of dumping of the said product originating in the Russian Federation and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding.

- (2) The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of isobutanol originating in the Russian Federation, falling within the CN code ex 2905 14 90, and commenced an investigation.
- (3) The Commission officially notified the exporters and importers known to be concerned and the representatives of the exporting country of the initiation of the proceeding and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.
- (4) Representatives of the Russian producers were granted a hearing and made their views known in writing.

- (5) One company which processed isobutanol in the Community also made its views known to the Commission.

- (6) The Commission sought and verified all the information it deemed to be necessary for the purpose of a preliminary determination and carried out investigations at the premises of the following :

(a) *Community producers :*

- BASF AG, Mannheim, Germany,
- Hüls, AG, Marl, Germany,
- Elf Atochem, Oxochimie, Paris, France ;

(b) *Importers in the Community :*

- Related importer : Sogo SA, Paris, France,
- Unrelated importer : Mitsui & Co. Benelux SA, Brussels, Belgium.

Limited information has been supplied by other traders and importers who have also imported isobutanol from the Russian Federation.

- (7) No Russian exporter replied to the Commission's questionnaire.
- (8) As the United States of America has been used as an analogue country for the purpose of calculating normal value, the Commission conducted an investigation at the premises of a number of United States producers of isobutanol, representing a major part of the domestic sales of isobutanol in that country.
- (9) The investigation of dumping covered the period 1 July 1991 to 30 June 1992 (the 'investigation period').

B. PRODUCT UNDER INVESTIGATION

1. Product description

- (10) The product concerned is isobutanol, a colourless neutral liquid with a characteristic odour. Its main application is as a solvent in the paint and laquer industry. It is also used as a plasticizer and as raw material for the production of acrylates.

Isobutanol produced in the Community appears as a particular homogeneous product and therefore constitutes a single product.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 239, 18. 9. 1992, p. 3.

2. Like product

- (11) The Commission also found that the isobutanol produced by the Community industry or by the United States producers (see recitals 13, 14 and 15) and isobutanol imported from the Russian Federation have the same basic characteristics. However, some differences in specifications, and especially the lower purity of the imported product, limit its application in the production of certain higher quality paints and plastics.

Nevertheless, given that, for most users, the Russian, Community and United States products are interchangeable, the Commission considered that the product imported from the Russian Federation is comparable to isobutanol produced and sold both by the Community and by the United States producers, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

C. COMMUNITY INDUSTRY

- (12) The Commission found that the complainants accounted for 94 % of the Community production of isobutanol and thus formed a major proportion of the total Community production in accordance with Article 4 (5) of Regulation (EEC) No 2423/88.

D. DUMPING

1. Normal value

- (13) In order to establish the normal value of isobutanol produced in the Russian Federation, the Commission had to take account of the fact that this country does not have a market economy and thus it had to base its determination of value on the conditions in a market economy country in accordance with Article 2 (5) of Regulation (EEC) No 2423/88. In this connection, the complainants suggested Brazil as an analogue country. However, the Commission did not consider the Brazilian market appropriate for the purpose of determining normal value, as there is only one producer in Brazil and the Brazilian market is protected by relatively high import duties.

Representatives of the Russian producers proposed Poland as an analogue country, arguing that Poland has the same production technology as the Russian Federation. This proposal was not corroborated by adequate information. Therefore, the Commission examined, on the basis of the best information available, whether Poland could be considered an appropriate analogue country. On the basis of the information held by the Commission's services, the

choice of Poland does not seem appropriate because this market is being operated by a sole producer. Furthermore, the Polish market is protected by high tariffs. Poland, therefore, could not be considered a representative analogue country.

- (14) Of the limited remaining market economies with a significant production of isobutanol, the Commission considered that the United States was the most reasonable choice, as it was the only market outside the Community in which a sufficient number of producers were present to ensure the existence of a competitive market. Domestic sales and production were at levels comparable to the Russian exports and the number of producers was five. It was also established that prices of the United States producers' domestic sales were in reasonable proportion to the production costs.
- (15) Consequently, in accordance with Article 2 (5) (a) (i) of Regulation (EEC) No 2423/88, normal value has been based on domestic sales prices of a sample of United States producers representing about 69 % of their domestic market in terms of sales volume.

2. Export price

- (16) In view of the non-cooperation of the Russian exporters, the Commission used the best information available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.
- (17) In this context, the Commission examined whether Eurostat prices could be used. As explained under recital 22, Russian exports of isobutanol are, to a considerable extent, recorded by Eurostat as imports of 'secret origin'. However, not all of those 'secret origin' imports do originate in Russia or consist of isobutanol originating in Russia, there is no indication as to the value attaching to those volumes imported from Russia. Consequently, the information emanating from Eurostat could not be used for determining cif prices. For the same reason, cif prices supplied by the complainant, being an estimate based on Eurostat figures, could not be used.
- (18) However, two importers, one related and one unrelated, which together accounted for 26 % of Russian exports to the Community, cooperated with the Commission. In the case of sales to the unrelated importer, export prices were determined on the basis of the actual cif Community frontier price, duty unpaid. In the case of sales to the related importer, the cif price was reconstructed by deducting from the average resale price to the first independent customer in the Community all costs between importation and resale; plus the profit

margin of the unrelated importer, in accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88.

Since isobutanol is a homogeneous commodity which is traded by importers throughout the Community at similar prices for any given period, the Commission considered that the verified prices of these two importers constituted the most reasonable information available for the calculation of export prices, within the meaning of Article 7 (7) (b) of Regulation (EEC) No 2429/88.

3. Comparison

- (19) Normal value, at ex-factory level, was compared with the export prices at ex-national frontier level. For the purpose of ensuring a fair comparison, the Commission took account of the difference in the physical characteristics between isobutanol produced in the United States and isobutanol imported from the Russian Federation (see recital 11). Consequently, normal value was adjusted by an amount corresponding to a reasonable estimate of the value of that difference in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88.

Furthermore, adjustments were made, within the meaning of the abovementioned Article, with respect to inland freight, sea freight, insurance, handling/loading, packing, credit costs and technical assistance and salesmen's salaries.

4. Dumping margin

- (20) The comparison of normal value and export price determined for the Russian producers shows the existence of dumping, the margin — expressed as a percentage of cif price, free-at-Community-border — being 46,1 %.

E. INJURY

1. Preliminary considerations

- (21) (a) A certain portion of the isobutanol produced by the Community industry is consumed by the producers themselves. During the investigation period, this internal consumption represented 41 % of total production and has diminished from 40 777 tonnes in 1988 to 33 536 tonnes during the investigation period.

In this respect, the Commission has examined whether the captive and free markets can be considered distinct for the assessment of injury on the basis of the criteria laid down by the

Court of Justice. The Court has held⁽¹⁾, in this context, that only the free market should be considered for the purpose of establishing injury, if the volumes of the product used for intra-company consumption do not enter into direct competition with the sales on the free market and, consequently, do not suffer from the effects of dumping. As this is the situation in the present case, the assessment of the injury has been exclusively based on data referring to the free market.

- (22) (b) Eurostat statistics, besides covering imports from the Russian Federation, report a significant and growing volume of imports of isobutanol under the heading 'Secret origin'. Furthermore, CN code ex 2905 14 90 covers products other than isobutanol. Nevertheless, from the information supplied by the importers and other sources, it has been possible to establish that almost the total volume recorded under the 'Secret origin' heading was isobutanol originating in the Russian Federation. The Commission therefore considers that 'Secret origin' import volumes are to be aggregated with the import volumes recorded as originating in the Russian Federation, in order to provide a proper estimate of the actual imports of isobutanol from that country.

2. Volume and market shares of dumped imports

- (23) In the light of the abovementioned considerations (recital 21), Community consumption of isobutanol was established to be 132 335 tonnes in 1988 and 95 818 tonnes during the investigation period; that means that Community consumption, excluding internal consumption, declined by 27 %.

The aggregation of the two sets of data concerning isobutanol declared as being of Russian origin and that of secret origin, in conformity with the considerations of recital 22, shows an increase of the imports in question from 17 838 tonnes in 1988 to 27 993 tonnes in the investigation period, an increase of 56 %.

- (24) As the Community market has been shrinking during the investigation period, this increase of import volume from the Russian Federation led to more than a doubling of the market share of Russian exporters, from 13,5 % in 1988 to 29,2 % in the investigation period.

By contrast, the Community industry saw its market share falling from 64,3 % to 40,6 % over the same period.

⁽¹⁾ Gimelec v. Commission (1991), ECR-I, p. 5589.

3. Prices of dumped imports

- (25) Prices of the imported product were found to be lower than those of the Community producers during the investigation period. The Commission compared the average cif price, duty-paid, of the Russian product with the average ex-factory price of the Community producers at the same level of trade. The difference has been expressed as percentage of the cif value, duty unpaid. The price undercutting found was 12,6 % during the investigation period.

4. Situation of the Community industry

(a) *Production, production capacity and utilization rate*

- (26) The volume of production of isobutanol by the Community industry decreased from 133 175 tonnes in 1988 to 80 190 tonnes in the investigation period (– 39,8 %). The main drop in production took place in 1989 and 1990, when some companies reduced the production capacity of isobutanol plants. Production declined between 1990 and the investigation period by a further 9 %.
- (27) The production capacity went down from 196 800 tonnes in 1988 to 157 500 tonnes in the investigation period. However, this 20 % drop in production capacity has not been enough to keep stable the utilization rate of the plants, which nevertheless declined from 73,8 % in 1988 to 57,3 % during the investigation period.

(b) *Sales and market shares*

- (28) Sales on the Community market by the industry concerned suffered a sharp fall from 85 063 tonnes in 1988 to 38 948 tonnes during the investigation period. The decrease of 54,2 % in those sales on the Community market has been twice as great as the decline in consumption over the same period.
- (29) Consequently, the market share of the Community industry was reduced substantially from 64,3 % in 1988 to 40,6 % during the investigation period.

(c) *Sales prices*

- (30) The Community producers sales prices proved to be relatively stable during 1988 and 1989.
- (31) However, from 1990 onwards, under increasing pressure from Russian imports, the Community industry was compelled to reduce its sales prices and between 1990 and the investigation period its sales prices of isobutanol fell by 31,5 % from ECU

507,5 per tonne to ECU 347,8 per tonne — a level which, on balance was insufficient to cover production costs.

(d) *Investments*

- (32) No clear trend appears from investment figures. In fact, during the period under consideration the Community producers reduced their production capacity. All investment was designed either to introduce new technology or to comply with safety and environmental legislation.

(e) *Profitability*

- (33) The considerable decline in the sales prices of isobutanol in a situation of relatively stable production costs during the last three years inevitably had a negative impact on the profitability of Community industry. The average profit margin on turnover, which was still positive in 1988 (+ 9,32 %) for the Community industry as a whole, turned into increasing losses in the following years. By 1991 a loss was recorded by every company of the Community industry and during the investigation period the losses on isobutanol reached their highest level with a 33,9 % loss on turnover.

5. Conclusion on injury

- (34) The preliminary examination of the facts on injury shows that the Community industry experienced a considerable drop in sales both in volume and in terms of market share. The negative movement of sales combined with sharp price depression resulted in heavy and increasing losses.
- (35) The Commission concludes therefore that the industry concerned has suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

F. CAUSE OF INJURY

(a) *Effect of dumped imports*

- (36) In its examination of the extent to which the material injury suffered by the Community industry was caused by the dumped imports, the Commission found a clear inverse correlation between the movement of the Community industry market share and that of the Russian imports. While the former lost 24 percentage points of market share, the latter gained 16 percentage points between 1988 and the investigation period.

- (37) Moreover, as commodity markets are transparent and competitive, Russian exporters could expand their isobutanol export volumes by applying prices which undercut those of the Community producers. The latter were obliged to follow the Russian producers in their systematic price reductions if they wanted to sell their product. It is therefore considered that the drop in sales volume and prices, and consequently the heavy losses made by the industry concerned, are the direct consequence of the dumped imports.

(b) Other factors

- (38) Russian exporters claimed that the injury suffered by the Community industry was not only due to imports originating in the Russian Federation but also, and to a larger extent, to imports from other countries. The allegation was based on the fact that in 1991 the volume and market share of imports from third countries were higher than those from the Russian Federation.

The allegation cannot be accepted for several reasons. First, during the investigation period, the market share of Russian imports rose to 29,2 %, overtaking the market share of all other third-country imports. Secondly, the Russian exporters more than doubled their market share between 1988 and the investigation period, while the market share of the other third countries showed a downward trend during the last three years. In particular, Poland, previously the second major exporter of isobutanol to the Community, saw its exports diminish during the investigation period to a point at which its market share represented only 10,3 % of total Community consumption.

- (39) Russian exporters further argued that the decrease in prices of isobutanol could not be exclusively connected to imports from the Russian Federation, because of the considerable decline in the price of propylene, the main raw material for isobutanol production. This is only partially correct. While the cost of propylene accounted for 70 % of the cost of production of the isobutanol, propylene prices in the Community declined by only 6,6 % during the period under consideration for the injury evaluation. Thus the price decline for propylene had only a limited effect on the isobutanol price and cannot explain a price drop as great as that found in the investigation (see recitals 30 and 31).

- (40) It was also argued that the difficulties of the Community industry are due to the decline of consumption of isobutanol in the Community market. However, this fall in demand has been

equivalent to the reduction of production capacity in the Community.

- (41) Accordingly, it must be concluded that the substantial and increasing volume of imports of isobutanol from the Russian Federation and their low, dumped prices have been an important cause of the price depression on the Community isobutanol market and hence of the financial losses recorded in that sector. Those imports taken in isolation are therefore considered to have caused material injury to the Community industry.

G. COMMUNITY INTEREST

- (42) When examining the Community interest, the Commission found that Community producers had made large investments to rationalize production. In particular, since the middle of the 1980s, the Community industry has introduced a new production technology (low-pressure process) entailing a lower energy consumption and allowing a higher flexibility in the output rate of isocomponents. This indicates the determination of the Community industry to remain competitive in the oxo-alcohol business.
- (43) The heavy losses recorded for isobutanol had a strongly negative impact on the profitability of the plants for the production of oxo-alcohols as a whole. If the present situation created by the dumped import continues, a large number of oxo-plants would have to shut down. The recent investments made to rationalize the production would therefore have been in vain. The production of the other oxo-alcohols, namely n-butanol and 2-ethylexanol, could be also affected. In such a case, widespread repercussions upstream and downstream of the production process would be likely.
- (44) The main Community processor of isobutanol argued that the imposition of a duty would result in an increase in isobutanol prices and that this could weaken the competitive position of the isobutanol processing industry on the market for derivatives in the face of the complainant industry, which uses its own isobutanol to produce the same derivatives.

In considering this argument, sight should not be lost of the fact that, under present conditions the price advantage enjoyed by the processors is the consequence of an unfair trade practice causing injury to the Community industry. Moreover the increase in costs for processors following the imposition of an anti-dumping duty would be limited, in view of the considerable number of Community and third-country suppliers on the Community market.

- (45) In addition, as regards the producers of the end products in which isobutanol is used (paints and plastics), the effect of anti-dumping measures on their competitive position would be extremely moderate, given the limited impact of the cost of this product on the end products. Indeed, as far as the main application (covering over 80 % of all uses of isobutanol) of isobutanol is concerned, namely as a solvent for paints, it has been estimated that, should the isobutanol price increase as a consequence of anti-dumping measures, the cost of the end product would go up by only 0,2 %. As far as the application as plasticizer (less than 20 %) is concerned, the impact on the cost of the final product would be less than 4 %.
- (46) In addition, in the interests of ensuring stability of supply of isobutanol, the Community industry, as a reliable supplier of this product, should be prevented from being forced out of the market which in the absence of anti-dumping measures is likely to be the case.
- (47) No other arguments were raised by the other economic operators on this market.
- (48) After considering the various interests involved, the Commission concludes that it is in the Community interest to remove the effects of the injury on the Community industry and to restore fair competition by the imposition of anti-dumping measures with regard to imports of isobutanol originating in the Russian Federation.

H. PROVISIONAL DUTY

- (49) In order to establish a level of duty adequate to remove the injury caused by dumping, the Commission calculated a price which would allow the Community industry to cover its cost of production and to obtain a reasonable profit.

In this context, a 5 % return on sales was considered sufficient to finance the long-term investment in this sector.

- (50) The comparison of this target price with the weighted average cif price, duty paid, of the Russian isobutanol results in a duty level which exceeds the margin of dumping (see recital 20). Consequently, in conformity with Article 13 (3) of Regulation (EEC) No 2423/88, the provisional anti-dumping duty has to be established at the level of the dumping margin.

- (51) In order to avoid the consequences of manipulation of the invoice price and to secure the collection of the necessary amount of the duty, the Commission considers that the anti-dumping duty should be expressed as a fixed amount of ecus per tonne. The calculation of the dumping margin related to cif price results in ECU 102 per tonne.
- (52) In the interests of sound administration, a period should be fixed within which the parties concerned may make their views known in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of isobutanol falling within CN code ex 2905 14 90 (Taric code 2905 14 90 10), originating in the Russian Federation.
2. The duty applicable shall be a fixed amount of ECU 102 per tonne.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

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

Article 3

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

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

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

Done at Brussels, 28 September 1993.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 2721/93
of 1 October 1993
amending Regulation (EEC) No 2641/93 introducing a countervailing charge on
apples originating in South Africa

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

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 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2641/93⁽³⁾ introduced a countervailing charge on apples originating in South Africa;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of apples originating in South Africa must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2641/93 'ECU 7,50' is hereby replaced by 'ECU 17,98'.

Article 2

This Regulation shall enter into force on 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 242, 28. 9. 1993, p. 13.

**COMMISSION REGULATION (EEC) No 2722/93
of 1 October 1993**

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 Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Articles 10 (5) and 11 (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93 ⁽⁴⁾;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 30

September 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1680/93 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 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 1 October 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	94,03 ⁽²⁾ ⁽³⁾
0712 90 19	94,03 ⁽²⁾ ⁽³⁾
1001 10 00	70,47 ⁽¹⁾ ⁽³⁾
1001 90 91	84,81
1001 90 99	84,81 ⁽²⁾
1002 00 00	114,14 ⁽⁶⁾
1003 00 10	120,43
1003 00 20	120,43
1003 00 80	120,43 ⁽²⁾
1004 00 00	90,80
1005 10 90	94,03 ⁽²⁾ ⁽³⁾
1005 90 00	94,03 ⁽²⁾ ⁽³⁾
1007 00 90	102,02 ⁽⁴⁾
1008 10 00	21,78 ⁽²⁾
1008 20 00	29,14 ⁽⁴⁾
1008 30 00	27,73 ⁽³⁾
1008 90 10	⁽⁷⁾
1008 90 90	27,73
1101 00 00	156,25 ⁽²⁾
1102 10 00	197,31
1103 11 30	141,72
1103 11 50	141,72
1103 11 90	179,08
1107 10 11	161,83
1107 10 19	123,67
1107 10 91	225,24 ⁽¹⁰⁾
1107 10 99	171,05 ⁽²⁾
1107 20 00	197,54 ⁽¹⁰⁾

⁽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.

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

⁽⁴⁾ Where millet and sorghum originating in the ACP 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), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EEC) No 2723/93

of 1 October 1993

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 1766/92
of 30 June 1992 on the common organization of the
market in cereals ⁽¹⁾, as amended by Regulation (EEC) No
2193/93 ⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92
of 28 December 1992 on the unit of account and the
conversion rates to be applied for the purposes of the
common agricultural policy ⁽³⁾,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Commission Regulation
(EEC) No 1681/93 ⁽⁴⁾ and subsequent amending Regula-
tions;

Whereas, in order to make it possible for the levy arrange-
ments to function normally, the representative market
rate established during the reference period from 30

September 1993, as regards floating currencies, should be
used to calculate the levies;

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 to be added to the levies fixed in advance
for the import in respect of the products listed in Article
1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall
be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 1 October 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	10	11	12	1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	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 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	10	11	12	1	2
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 2724/93

of 1 October 1993

altering the export refunds 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 Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 2714/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 2714/93 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;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾ are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/93, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2714/93 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 149.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 1 October 1993 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	03	35,00
0712 90 19 000	—	—		05	15,00
1001 10 00 200	—	—		02	0
1001 10 00 400	—	—	1007 00 90 000	—	—
1001 90 91 000	01	0	1008 20 00 000	—	—
1001 90 99 000	03	51,00	1101 00 00 100	01	80,00
	02	15,00	1101 00 00 130	01	76,00
1002 00 00 000	03	25,00	1101 00 00 150	01	70,00
	04	17,00	1101 00 00 170	01	65,00
	02	15,00	1101 00 00 180	01	60,00
1003 00 10 000	06	62,00	1101 00 00 190	—	—
	02	0	1101 00 00 900	—	—
1003 00 20 000	03	58,00	1102 10 00 500	01	80,00
	02	15,00	1102 10 00 700	—	—
1003 00 80 000	03	58,00	1102 10 00 900	—	—
	02	15,00	1103 11 30 200	01	65,00 (3)
1004 00 00 200	—	—	1103 11 30 900	—	—
1004 00 00 400	—	—	1103 11 50 200	01	65,00 (3)
1005 10 90 000	—	—	1103 11 50 400	—	—
			1103 11 50 900	—	—
			1103 11 90 200	01	65,00 (3)
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 04 Korea and Japan,
- 05 Zones I, III b), VIII a), Cuba and Hungary,
- 06 Algeria.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

(3) No refund is granted when this product contains compressed meal.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 2725/93**of 1 October 1993****altering the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

*Article 1*Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as amended by Regulation (EEC) No 2193/93 ⁽²⁾, and in particular Article 13 (4) thereof,

The corrective amount referred to in Article 1 (1), points (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 2683/93 ⁽³⁾;*Article 2*

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

This Regulation shall enter into force on 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.⁽³⁾ OJ No L 245, 1. 10. 1993, p. 49.

ANNEX

to the Commission Regulation of 1 October 1993 altering the corrective amount applicable
to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		10	11	12	1	2	3	4
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 20 000	01	0	0	0	0	0	—	—
1003 00 80 000	01	0	0	0	0	0	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	- 70,00	- 70,00	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 30 200	01	0	0	0	0	0	0	0
1103 11 30 900	—	—	—	—	—	—	—	—
1103 11 50 200	01	0	0	0	0	0	0	0
1103 11 50 400	01	0	0	0	0	0	0	0
1103 11 50 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	0	0	0	0	0
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

**COMMISSION REGULATION (EEC) No 2726/93
of 1 October 1993**

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 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2653/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 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, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 30 September 1993, as regards floating currencies, should be used to calculate the levies,

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 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 40.

⁽⁵⁾ OJ No L 243, 29. 9. 1993, p. 10.

ANNEX

to the Commission Regulation of 1 October 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	35,69 ⁽¹⁾
1701 11 90	35,69 ⁽¹⁾
1701 12 10	35,69 ⁽¹⁾
1701 12 90	35,69 ⁽¹⁾
1701 91 00	42,85
1701 99 10	42,85
1701 99 90	42,85 ⁽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), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽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.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 2727/93

of 1 October 1993

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 363/93⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as amended by Regulation (EEC) No 1258/91⁽⁴⁾, provides in particular for detailed rules on the invitation to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EEC) No 1258/91, provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled,

HAS ADOPTED THIS REGULATION:

Article 1

The invitations to tender are opened in Belgium, Denmark, Germany, France, Great Britain, Ireland, Northern Ireland and the Netherlands for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be submitted to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 15 October 1993 to the relevant intervention agency.

Article 3

This Regulation shall enter into force on 2 October 1993.

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

Done at Brussels, 1 October 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 42, 19. 2. 1993, p. 1.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 120, 15. 5. 1991, p. 15.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 September 1993

amending Decision 93/16/EEC on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America and certain territories

(93/520/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products⁽¹⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the right to legal protection of topographies of semiconductor products in the Community applies to persons qualifying for protection under Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas the right to protection can be extended, by a Council Decision, to persons who do not benefit from protection under the said provisions;

Whereas the extension of protection should, as far as possible, be decided for the Community as a whole;

Whereas such protection has previously been extended in respect of the United States of America and certain territories on an interim basis only, in accordance with Council Decision 93/16/EEC of 21 December 1992 on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America and certain territories⁽²⁾;

Whereas in Aruba and the Netherlands Antilles legal protection for topographies of semiconductor products is provided for *inter alia* by Article 10 of the Netherlands

Antilles Copyright Act of 17 December 1912 (as amended);

Whereas it is expected that these territories which do not yet have specific legislation will adopt one and will extend it as soon as possible to persons from Member States of the Community benefiting from the right to protection under Directive 87/54/EEC;

Whereas it is appropriate to extend such protection on an interim basis to these territories to allow further time for conditions for mutual unlimited protection to be established,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 93/16/EEC shall be replaced by the Annex to this Decision.

Article 2

This Decision shall apply from 1 November 1993.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 September 1993.

For the Council

The President

R. URBAIN

⁽¹⁾ OJ No L 24, 27. 1. 1987, p. 36.

⁽²⁾ OJ No L 11, 19. 1. 1993, p. 20.

ANNEX

Anguilla
Aruba
Bermuda
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Channel Islands
Falkland Islands
Hong Kong
Isle of Man
Montserrat
Netherlands Antilles
Pitcairn
St Helena
St Helena Dependencies (Ascension, Tristan da Cunha)
South Georgia and the South Sandwich Islands
Turks and Caicos Islands
