

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1360/90
of 7 May 1990
establishing a European Training Foundation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the European Council meeting at Strasbourg on 8 and 9 December 1989 called upon the Council to adopt, at the beginning of 1990, the necessary decisions for the establishment of a European Training Foundation for Central and Eastern Europe, acting on a proposal from the Commission;

Whereas on 18 December 1989 the Council adopted Regulation (EEC) No 3906/89 ⁽⁴⁾ on economic aid to the Republic of Hungary and the Polish People's Republic which provides for aid in areas including training to support the process of economic and social reform in Hungary and Poland;

Whereas the Council may subsequently extend such aid to other countries of Central and Eastern Europe under a relevant legal act;

Whereas the process of economic and social reform will contribute to the development of mutually beneficial economic and commercial relationships between the countries of Central and Eastern Europe and the Community; whereas these intensified relationships will also contribute to a harmonious development of economic activities within the Community;

Whereas the European Training Foundation could make an important contribution to the effective provision of training assistance to the countries of Central and Eastern Europe eligible for economic aid to support the process of reform;

Whereas, for its contribution, the European Training Foundation will need to call upon the experience gained within the Community in the area of vocational training in implementing a common policy for vocational training and upon its institutions concerned with training;

Whereas there exist in the Community and in third countries, including the countries of Central and Eastern Europe, regional and/or national, public and/or private facilities which can be called upon to collaborate in the effective provision of aid in the area of training;

Whereas the status and structure of the European Training Foundation should facilitate a flexible response to the specific and differing requirements of the individual countries to be assisted, and allow it to carry out its functions in close cooperation with the existing national and international facilities;

Whereas the European Training Foundation should be endowed with legal personality, while maintaining a close corporate relationship with the Commission and respecting the overall political responsibilities of the Community and its institutions;

Whereas the European Training Foundation should have close links with the European Centre for the Development of Vocational Training, with the Trans-European Mobility Scheme for University Studies (Tempus) and any other schemes instituted by the Council to provide aid in the area of training to countries of Central and Eastern Europe;

Whereas the European Training Foundation should be open to the participation of countries which are not members of the Community and which share the commitment of the Community and the Member States to the provision of aid to Central and Eastern Europe in the training field under arrangements to be laid down in agreements between the Community and themselves;

⁽¹⁾ OJ No C 86, 4. 4. 1990, p. 12.

⁽²⁾ OJ No C 113, 7. 5. 1990.

⁽³⁾ Opinion delivered on 25 April 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 375, 23. 12. 1989, p. 11.

Whereas the Treaty does not provide, for the action concerned, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

Objectives

This Regulation hereby establishes the European Training Foundation (hereinafter referred to as the Foundation) whose objective shall be to contribute to the development of the vocational training systems of the countries of Central and Eastern Europe designated as eligible for economic aid by the Council in Regulation (EEC) No 3906/89 or in any subsequent relevant legal act. These countries shall be hereinafter referred to as 'the eligible countries'.

The Foundation shall in particular:

- seek to promote effective cooperation between the Community and the eligible countries in the field of vocational training,
- contribute to the coordination of assistance provided by the Community, its Member States and the third countries referred to in Article 16.

Article 2

Scope

The Foundation shall work in the training field, covering initial and continuing vocational training as well as retraining for young people and adults, including in particular management training.

Article 3

Functions

For the purpose of achieving the objectives set out in Article 1, the Foundation shall:

- (a) provide assistance in the definition of training needs and priorities through the implementation of measures of technical assistance in the training field, and through cooperation with the appropriate designated bodies in the eligible countries;
- (b) act as a clearing house to provide the Community, its Member States and the third countries referred to in Article 16, together with the eligible countries and all other interested parties, with information on current initiatives and future needs in the training field, and provide a framework through which offers of assistance can be channelled;
- (c) on the basis of (a) and (b):
 - examine the scope for joint ventures of training assistance including pilot projects, for the setting up of specialized multinational teams for specific projects and for identifying operations which could be cofi-

nanced, and fund the design and the preparation of such projects, the implementation of which may be financed by contributions from one or several countries, together with the Foundation, or, in exceptional cases, from the Foundation on its own;

- (d) for activities and projects which are funded by the Foundation: arrange for the appropriate public and/or private bodies with a proven training record and the necessary expertise to design, prepare, implement and/or manage projects on a flexible, decentralized basis;
- (e) for projects funded or cofinanced by the Foundation, tendering procedures shall be laid down by the governing board referred to in Article 5, taking full account of the procedures established in the context of Regulation (EEC) No 3906/89 and, in particular, Article 7 thereof; or in any subsequent relevant legal act;
- (f) in collaboration with the Commission, assist in the monitoring and evaluation of the overall effectiveness of training assistance to the eligible countries;
- (g) disseminate information and encourage exchanges of experience, through publications, meetings, and other appropriate means;
- (h) within the general framework of this Regulation, undertake such other tasks as may be agreed between the governing board and the Commission.

Article 4

General provisions

1. The Foundation shall have legal personality. It shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings. It shall be non-profit making.

The Foundation shall seek the cooperation of other Community bodies, in particular Cedefop.

2. Representatives of the social partners at European level which are already active in the work of the Community institutions, and international organizations active in the training field, may be associated with the work of the Foundation, notably as provided for in Articles 5 (8) and 6 (1) and (2).

Article 5

Governing board

1. The Foundation shall have a governing board consisting of one representative of each Member State and two representatives of the Commission.

An alternate member may represent or accompany each member of the governing board; when accompanying a member, the alternate member shall attend without having the right to vote.

2. The representatives of the Member States shall be appointed by the Member States concerned.

The Commission shall appoint the members who are to represent it.

3. The term of office of representatives shall be three years. It shall be renewable.

4. The governing board shall be chaired by one of the representatives of the Commission. The chairman shall not vote.

The governing board shall adopt its rules of procedure.

Each member of the governing board shall have one vote.

Decisions of the governing board shall require a two-thirds majority of the members of the board, except in the case referred to in paragraph 5.

5. The governing board shall determine, by a unanimous decision of its members, the rules governing the languages of the Foundation, taking into account the need to ensure access to, and participation in, the work of the Foundation by all interested parties.

6. The chairman shall convene the governing board at least twice a year and at the request of at least a simple majority of the members of the board.

The Chairman shall be responsible for informing the board of other Community activities relevant to their work and of the expectations from the Foundation in the forthcoming year.

7. On the basis of a draft submitted by the director of the Foundation, and within the framework of a three-year rolling perspective, the governing board shall adopt, by 30 November each year at the latest, the annual work programme of the Foundation for the following year in consultation with the Commission.

The projects in the annual work programme shall be accompanied by an estimate of the necessary expenditure.

8. The governing board shall approve, as necessary and on a case-by-case basis, the setting up of *ad hoc* sectoral working parties involving all the countries or organizations contributing to the finance of the different projects concerned as well as other interested parties, including where appropriate representatives of social partners.

9. The governing board shall, by 31 March each year at the latest, present a draft annual report on the activities of the Foundation for the previous year and their financing to the Commission.

The Commission shall approve the annual report and submit it to the European Parliament, the Council, the Economic and Social Committee and the Member States.

The Commission shall also forward this report, for information, to the eligible countries.

Article 6

Advisory forum

1. The Foundation shall have an advisory forum appointed by the governing board.

The members of the forum shall be selected from experts among training and other circles concerned in the work

of the Foundation, taking into account the need to ensure the presence of representatives of the social partners, of those international organizations active in the provision of training assistance, and of the eligible countries.

There shall be appointed two experts from each of the Member States, from each of the eligible countries and from the social partners at European level.

2. The governing board shall seek nominations for appointment from :

- each of the Member States,
- each of the eligible countries,
- the social partners at European level which are already active in the work of the Community institutions, and
- relevant international organizations.

3. The term of office of the members of the advisory forum shall normally be for three years, subject to regular review by the governing board.

4. The task of the advisory forum shall be to deliver opinions to the governing board either at the request of the board or on its own initiative concerning the annual work programme of the Foundation referred to in Article 5 (7).

All opinions shall be communicated to the governing board.

5. The director of the Foundation shall be the chairman of the advisory forum.

The advisory forum shall draw up its rules of procedure, subject to the approval of the governing board.

6. The advisory forum shall be convened by its chairman once a year.

Article 7

The director

1. The director of the Foundation shall be appointed by the governing board, on a proposal from the Commission, for a term of office of five years, which shall be renewable.

The director shall be responsible :

- for the preparation and organization of the work of the governing board, of any *ad hoc* working parties convened by the governing board and, in particular, for the preparation of the draft annual work programme of the Foundation,
- for the day-to-day administration of the Foundation,
- for the preparation of the statement of revenue and expenditure and execution of the budget of the Foundation,
- for the preparation and publication of reports specified under this Regulation,
- for all staff matters,
- for undertaking the tasks referred to in Article 3.

2. The director shall be accountable to the governing board for his activities and shall attend its meetings.

3. The director shall be the legal representative of the Foundation.

Article 8

Links with other Community actions

The Commission, in cooperation with the governing board and, where appropriate, in accordance with the procedure set out in Article 9 of Regulation (EEC) No 3906/89, shall ensure consistency and, where necessary, complementarity between the work of the Foundation and other actions at Community level, both within the Community and in assistance to the eligible countries, with particular reference to actions under the Tempus scheme.

Article 9

Budget content

1. Estimates of all the revenue and expenditure of the Foundation shall be prepared for each financial year and shall be shown in the budget of the Foundation, which shall include an establishment plan, and each financial year shall correspond to the calendar year.

2. The revenue and expenditure shown in the budget of the Foundation shall be in balance.

3. The revenue of the Foundation shall comprise, without prejudice to other types of income, a subsidy from the general budget of the European Communities, payments made as remuneration for services performed as well as finance from other sources.

4. The budget shall also include details of any funds made available by the eligible countries themselves for projects benefiting from financial assistance from the Foundation.

Article 10

Budget procedure

1. The director shall establish each year a proposed draft budget for the Foundation covering running costs and the proposed operational programme for the following financial year and shall submit it to the governing board.

2. On this basis, the governing board shall, by 15 February at the latest, adopt a draft budget for the Foundation and submit it to the Commission.

3. The Commission shall assess the draft budget of the Foundation having regard to the vocational training priorities in the eligible countries and to the overall financial orientations on economic aid to these countries.

It shall establish on this basis, and within the proposed limits of the overall amount to be made available for economic aid to the countries of Central and Eastern Europe, the annual contribution for the budget of the

Foundation to be included in the preliminary draft of the general budget of the European Communities.

4. The governing board, after receiving the advice of the Commission, shall adopt the budget of the Foundation at the beginning of each financial year, adjusting it to the several contributions granted to the Foundation and to its other resources.

Article 11

Budget implementation and control

1. The director shall implement the budget of the Foundation.

2. The checking of the commitment and payment of all expenditure and the recording and recovery of all revenue of the Foundation will be undertaken by the financial controller appointed by the governing board on a proposal from the Commission.

3. By 31 March each year at the latest, the director shall submit to the Commission, the governing board and the Court of Auditors the detailed accounts of all revenue and expenditure from the previous financial year.

The Court of Auditors will examine these accounts in accordance with Article 206a of the Treaty.

4. The governing board shall give a discharge to the director in respect of the implementation of the budget.

Article 12

Financial rules

The governing board shall set down, following consultation of the Commission and the Court of Auditors, detailed financial rules specifying in particular the procedure for the establishment and implementation of the budget of the Foundation.

Article 13

Privileges and immunities

The Protocol on the privileges and immunities of the European Communities shall apply to the Foundation.

Article 14

Staff rules

The rules and regulations governing the statutory personnel of the Foundation, including the director, shall be analogous to those laid down in Council Regulation (ECSC, EEC, Euratom) No 1859/76 of 29 June 1976 laying down the conditions of employment of staff of the European Centre for the Development of Vocational Training⁽¹⁾, and shall be contained in a separate Regulation to be adopted by the Council on a proposal from the Commission.

⁽¹⁾ OJ No L 214, 6. 8. 1976, p. 1.

*Article 15***Legal liability**

1. The contractual liability of the Foundation shall be governed by the law applicable to the contract in question.

2. In the case of non-contractual liability, the Foundation shall, in accordance with the general principles common to laws of the Member States, make good any damage caused by the Foundation or its servants in the performance of their duties.

The Court of Justice shall have jurisdiction in disputes relating to compensation for any such damage.

3. The personal liability of servants towards the Foundation shall be governed by the relevant provisions applying to the staff of the Foundation.

*Article 16***Participation of third countries**

1. The Foundation shall be open to the participation of countries which are not members of the European Community, and which share the commitment of the Community and the Member States to the provision of aid to Central and Eastern Europe in the training field, under arrangements to be laid down in agreements between the Community and themselves, following the procedure laid down in Article 228 of the Treaty.

The agreements shall, *inter alia*, specify the nature and extent of and the detailed rules for the participation by these countries in the work of the Foundation including provisions on financial contributions and staff.

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

Done at Brussels, 7 May 1990.

For the Council

The President

G. COLLINS

2. Participation of such countries in the *ad hoc* working parties provided for in Article 5 (8) may be decided as necessary by the governing board without the need for an agreement.

*Article 17***Monitoring and evaluation procedure**

The Commission shall, in consultation with the governing board, establish a monitoring and evaluation procedure of the experience acquired in the work of the Foundation.

It shall present the first results of this procedure in a report to be submitted to the European Parliament, the Council and the Economic and Social Committee before 31 December 1992.

*Article 18***Review**

This Regulation shall be reviewed by the Council on a proposal from the Commission within five years of its entry into force.

Article 19

This Regulation shall enter into force on the day following that on which the competent authorities have decided on the seat of the Foundation⁽¹⁾.

⁽¹⁾ The date of entry into force of the Regulation shall be published in the Official Journal.

COUNCIL REGULATION (EEC) No 1361/90
of 21 May 1990
extending the provisional anti-dumping duty on imports of certain types of
electronic microcircuits known as DRAMs (dynamic random access memories)
originating in Japan

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 11 thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) No 165/90⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan;

Whereas the examination of the facts has not yet been completed and the Commission has informed the exporters concerned in Japan of its intention to propose an extension of the period of validity of the provisional duty

for a further period not exceeding two months; whereas exporters representing a significant percentage of the trade involved have not objected,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan is hereby extended for a period not exceeding two months as from 27 May 1990.

Without prejudice to Article 11 of Regulation (EEC) No 2423/88 and to any other decision taken by the Council, the duty shall apply until the entry into force of an act of the Council adopting definitive measures.

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, 21 May 1990.

For the Council
The President
R. MOLLOY

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1990, p. 5.

COMMISSION REGULATION (EEC) No 1362/90

of 22 May 1990

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 201/90⁽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 1636/87⁽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 754/90⁽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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 21 May 1990;

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 754/90 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 23 May 1990.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 83, 30. 3. 1990, p. 4.

ANNEX

to the Commission Regulation of 22 May 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	39,80	133,62 ⁽²⁾ ⁽³⁾
0712 90 19	39,80	133,62 ⁽²⁾ ⁽³⁾
1001 10 10	49,77	191,91 ⁽¹⁾ ⁽²⁾
1001 10 90	49,77	191,91 ⁽¹⁾ ⁽²⁾
1001 90 91	40,78	142,67
1001 90 99	40,78	142,67
1002 00 00	65,46	137,06 ⁽⁴⁾
1003 00 10	56,71	133,49
1003 00 90	56,71	133,49
1004 00 10	48,11	126,70
1004 00 90	48,11	126,70
1005 10 90	39,80	133,62 ⁽²⁾ ⁽³⁾
1005 90 00	39,80	133,62 ⁽²⁾ ⁽³⁾
1007 00 90	56,71	143,83 ⁽⁴⁾
1008 10 00	56,71	40,68
1008 20 00	56,71	111,63 ⁽⁴⁾
1008 30 00	56,71	5,63 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	56,71	5,63
1101 00 00	71,56	214,02
1102 10 00	106,11	206,35
1103 11 10	91,98	312,29
1103 11 90	75,71	229,56

(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).

COMMISSION REGULATION (EEC) No 1363/90

of 22 May 1990

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 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 201/90⁽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 1636/87⁽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 1916/89⁽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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 21 May 1990;

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

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 Portugal shall be zero.

2. 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 23 May 1990.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 22 May 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 5	1st period 6	2nd period 7	3rd period 8
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	9,96	9,96	9,96
1001 90 99	0	9,96	9,96	9,96
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	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	13,93	13,93	13,93

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	17,73	17,73	17,73	17,73
1107 10 19	0	13,25	13,25	13,25	13,25
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 1364/90
of 22 May 1990
amending Regulation (EEC) No 625/78 on detailed rules of application for public
storage of skimmed-milk powder

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 3879/89 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas, as provided for in Commission Regulation (EEC) No 625/78 ⁽³⁾, as last amended by Regulation (EEC) No 3493/88 ⁽⁴⁾, payment for skimmed-milk powder bought in by the intervention agency is to be made within a period commencing the 120th day after the date on which the skimmed-milk powder was taken over; whereas payments are in fact made within shorter periods of time as a result of commercial transactions between individuals; whereas these periods should now be aligned; whereas the minimum period for payment following buying in should be reduced accordingly to the 45th day after the date on which the skimmed-milk powder was taken over; whereas the maximum period for payment should be reduced at the same time;

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

In Article 2 (2) of Regulation (EEC) No 625/78, '120th' and '140th' are replaced by '45th' and '65th' respectively.

Article 2

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

It shall apply to products offered into intervention from 14 May 1990.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 84, 31. 3. 1978, p. 19.

⁽⁴⁾ OJ No L 306, 11. 11. 1988, p. 22.

COMMISSION REGULATION (EEC) No 1365/90
of 22 May 1990
fixing additional amounts for in the eggs sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

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

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

Whereas, pursuant to Commission Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No

4155/87⁽⁹⁾ and (EEC) No 2164/72⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69⁽¹²⁾, as amended by Regulation (CEE) No 4155/87, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 25 May 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

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

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 22 May 1990 fixing additional amounts for products in the eggs sector :

CN code	Origin of imports (1)	Additional amount
		ECU/100 units
0407 00 19	04	6,00
		ECU/100 kg
0407 00 30	01	50,00
0408 19 11	02	10,00
0408 19 19	02	10,00
0408 91 10	03	100,00

(1) Origin :

01 USSR, Finland, Czechoslovakia, Sweden and the German Democratic Republic (with the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems).

02 Hungary.

03 Poland.

04 Brasil.

COMMISSION REGULATION (EEC) No 1366/90
of 22 May 1990
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No

3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 May 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

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

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

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

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 22 May 1990 fixing additional amounts for poultrymeat products

(ECU/100 kg)

CN code	Origin of imports (1)	Additional amount
0207 39 23	02	10,00
0207 39 31	01	3,00
0207 39 75	03	10,00
0207 41 51	02	10,00
0207 42 10	01	3,00
0207 43 61	03	10,00

(1) Origin :

01 Yugoslavia

02 Hungary

03 Bulgaria.

COMMISSION REGULATION (EEC) No 1367/90
of 22 May 1990
fixing the specific levies on beef and veal from Portugal

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

Having regard to the Act of Accession of Spain and Portugal and in particular Article 272 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas the prices fixed by the Council are to be reduced in accordance with Article 2 of Commission Regulation (EEC) No 784/90 of 29 March 1990 fixing the reducing coefficient for agricultural prices in the 1990/1991 marketing year as a result of the monetary realignment of 5

January 1990 and amending the prices and amounts fixed in ecus for that marketing year⁽³⁾;

Whereas Commission Regulation (EEC) No 588/86⁽⁴⁾, as last amended by Regulation (EEC) No 1215/90⁽⁵⁾, lays down detailed implementing rules and fixes the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 4 June 1990.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 83, 30. 3. 1990, p. 102.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 45.

⁽⁵⁾ OJ No L 120, 11. 5. 1990, p. 18.

ANNEX

to the Commission Regulation of 22 May 1990 fixing the specific levies on imports of beef and veal from Portugal

(ECU/100 kg)

CN code	Amount of the special levies
0102 90 10	8,71
0102 90 31	8,71
0102 90 33	8,71
0102 90 35	8,71
0102 90 37	8,71
0201 10 10	16,43
0201 10 90	16,43
0201 20 21	16,43
0201 20 29	16,43
0201 20 31	13,14
0201 20 39	13,14
0201 20 51	19,72
0201 20 59	19,72
0201 20 90	24,65
0201 30 00	28,26
0202 10 00	14,79
0202 20 10	14,79
0202 20 30	11,83
0202 20 50	18,40
0202 20 90	22,18
0202 30 10	18,40
0202 30 50	18,40
0202 30 90	25,47
0206 10 95	28,26
0206 29 91	25,47
0210 20 10	24,65
0210 20 90	28,26
0210 90 41	28,26
0210 90 90	28,26
1602 50 10	28,26
1602 90 61	28,26

COMMISSION REGULATION (EEC) No 1368/90
of 22 May 1990
amending Regulation (EEC) No 906/90 adopting exceptional support measures
for the market in pigmeat in Belgium

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, owing to the outbreak of classical swine fever in certain production regions in Belgium, exceptional support measures for the market in pigmeat were adopted for that Member State by Commission Regulation (EEC) No 906/90⁽³⁾;

Whereas, in view of the duration of the measures restricting the free movement of live pigs in the surveillance zone, for veterinary reasons heavy piglets and heavy pigs should be transported to a rendering plant as soon as possible with a view to their destruction; whereas, owing to insufficient rendering plant capacity, this requirement for speed cannot be met in all cases; whereas, as a consequence, the possibility of slaughtering heavy piglets and heavy pigs and then storing them in cold-storage plants before destruction in a rendering plant should be provided for; whereas Regulation (EEC) No 906/90 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 906/90: the following text is added to the second paragraph of Article 3:

'However, from 9 May 1990 the piglets and pigs concerned may be transported to a slaughterhouse where they shall be slaughtered immediately and may be stored in a cold-storage plant before transport to a rendering plant.'

Article 2

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

It shall apply with effect from 9 May 1990.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.
⁽³⁾ OJ No L 93, 10. 4. 1990, p. 27.

COMMISSION REGULATION (EEC) No 1369/90
of 22 May 1990
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 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 1069/89 ⁽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 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 1339/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 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,

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 23 May 1990.

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

Done at Brussels, 22 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 130, 22. 5. 1990, p. 12.

ANNEX

to the Commission Regulation of 22 May 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	30,87 ⁽¹⁾
1701 11 90	30,87 ⁽¹⁾
1701 12 10	30,87 ⁽¹⁾
1701 12 90	30,87 ⁽¹⁾
1701 91 00	33,56
1701 99 10	33,56
1701 99 90	33,56 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 May 1990

establishing a trans-European mobility scheme for university studies (Tempus)

(90/233/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the European Council meeting at Strasbourg on 8 and 9 December 1989, on the basis of a proposal from the Commission, requested the Council to adopt measures to allow for the participation of countries of Central and Eastern Europe in Community programmes of an educational character, similar to existing programmes;

Whereas the Council had adopted Community programmes in the training field, providing, amongst other things, for inter-university as well as university-industry cooperation and for measures to increase the mobility of students, teachers, university staff and industry personnel;

Whereas the Council adopted on 18 December 1989 Regulation (EEC) No 3906/89 ⁽⁴⁾ on economic aid to the Republic of Hungary and the Polish People's Republic

which provides for aid in areas including training to support the process of economic and social reform in Hungary and Poland;

Whereas the Council may subsequently extend such aid to other countries of Central and Eastern Europe under a relevant legal act;

Whereas the process of economic and social reform will contribute to the development of mutually beneficial economic and commercial relationships between the countries of Central and Eastern Europe and the Community; whereas these intensified relationships will also contribute to a harmonious development of economic activities within the Community;

Whereas training has been identified as one of the priority areas for cooperation, particularly in providing the opportunities for mobility and exchange with Member States as an immediate response to identified training needs in Central and Eastern Europe;

Whereas the experience and expertise gained within the Community in the areas particularly of inter-university cooperation and student exchange as well as of industry-university cooperation should be drawn on to create a companion scheme designed to develop cooperation and mobility between the Community and countries of Central and Eastern Europe in the training field;

Whereas such cooperation will facilitate the development of the higher education sector and promote closer understanding and mutually beneficial contacts in the area of training;

⁽¹⁾ OJ No C 85, 3. 4. 1990, p. 9.

⁽²⁾ OJ No C 113, 7. 5. 1990.

⁽³⁾ Opinion delivered on 25 April 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 375, 23. 12. 1989, p. 11.

Whereas such a scheme forms a part of, and should be closely coordinated with, the overall programming of priorities and funding for Community aid to the countries of Central and Eastern Europe, including the work of the European Training Foundation;

Whereas such a scheme could make an important contribution to the effective provision of training assistance to countries of Central and Eastern Europe eligible for economic aid to support the process of reform;

Whereas, for its contribution, such a scheme will need to call upon the experience gained within the Community in the area of vocational training and upon its institutions concerned with training;

Whereas there exist in the Community and in third countries regional and/or national, public and/or private facilities which can be called upon to assist in the effective provision of aid in the area of training at the higher education level;

Whereas the Treaty does not provide, for the action concerned, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of Tempus

The trans-European mobility scheme for university studies (hereinafter referred to as Tempus) is hereby adopted, within a perspective of five years, for an initial pilot phase of three years beginning on 1 July 1990, and subject to the monitoring and evaluation arrangements set out in Article 11.

Article 2

Eligible countries

Tempus shall concern the countries of Central and Eastern Europe designated as eligible for economic aid by the Council in Regulation (EEC) No 3906/89 or in any subsequent relevant legal act. These countries shall be referred to hereinafter as 'the eligible countries'.

Article 3

Definitions

In the context of Tempus:

- (a) the term 'university' shall be used to cover all types of post-secondary educational and vocational training establishments which offer, where appropriate within the framework of advanced education and training, qualifications or diplomas of that level, whatever such establishments may be called;
- (b) the terms 'industry' and 'enterprise' shall be used to indicate all types of economic activity, including not only large but also small and medium-sized enterprises, whatever their legal status, public and local authorities, independent economic organizations, in particular chambers of commerce and industry and/or their equivalents, professional associations and organizations representing employers or employees.

Article 4

Objectives

The objectives of Tempus are the following:

- (a) to facilitate the coordination of the provision of assistance to the eligible countries in the field of exchange and mobility, particularly for university students and teachers, whether such assistance is provided by the Community, its Member States or the third countries referred to in Article 9;
- (b) to contribute to the improvement of training in the eligible countries, and to encourage their cooperation with partners in the Community, taking into account the need to ensure the widest possible participation of all the regions of the Community in such actions;
- (c) to increase opportunities for the teaching and learning in the eligible countries of those languages used in the Community and covered by the Lingua programme, and *vice versa*;
- (d) to enable students from the eligible countries to spend a specific period of study at university or to undertake industry placements within the Member States of the Community, while ensuring equality of opportunity for male and female students as regards participation in such mobility;
- (e) to enable students from the Community to spend a similar type of period of study or placement in an eligible country;
- (f) to promote increased exchanges and mobility of teaching staff and trainers as part of the cooperation process.

Article 5

Committee

1. The Commission shall implement the Tempus scheme in accordance with the provisions of the Annex and on the basis of detailed guidelines to be adopted annually.

2. In the performance of that task, the Commission shall be assisted by a committee composed of two representatives appointed by each Member State and chaired by the Commission representative. The members of the committee may be assisted by experts or advisers.

The committee shall, in particular, assist the Commission in the implementation of the scheme having regard to the objectives set out in Article 4 and shall coordinate its work with that of other committees covering the same field as Tempus.

3. The Commission representative shall submit to the committee drafts of measures concerning:

- (a) the general guidelines governing Tempus;
- (b) the general guidelines on the financial assistance to be provided by the Community (amounts, duration and recipients of assistance);
- (c) questions relating to the overall balance of Tempus, including the breakdown between the various actions;
- (d) arrangements for the monitoring and evaluation of Tempus.

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

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

In that event, the Commission may defer application of the measures which it has decided upon for a period of two months.

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

5. In addition, the Commission may consult the committee on any other matter concerning the implementation of Tempus.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on this draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 6

Cooperation with relevant agencies

1. The Commission shall cooperate with appropriate agencies in each of the eligible countries, designated or

set up to coordinate the links and structures necessary for the effective implementation of Tempus, including the allocation of any funds made available by the eligible countries themselves.

2. The Commission shall also cooperate closely in the implementation of Tempus with the relevant national bodies, designated by the Member States.

Article 7

Budget

The Commission shall assess the needs for university cooperation and for the mobility of staff and students with respect to the eligible countries, having regard to the overall financial orientations on economic aid to these countries.

It shall establish on this basis and within the proposed limits of the amount to be made available for economic aid to the countries of Central and Eastern Europe, the necessary credits to be included in the preliminary draft of the general budget of the European Communities.

Article 8

Links with other Community actions

The Commission, in accordance with the procedure set out in Article 5 (5) of this Decision and, where appropriate, with the procedure set out in Article 9 of Regulation (EEC) No 3906/89, shall ensure consistency and, where necessary, complementarity between Tempus and other actions at Community level, both within the Community and in assistance to the eligible countries, with particular reference to the activities of the European Training Foundation.

Article 9

Coordination with actions of third countries

1. The Commission shall ensure the appropriate coordination with actions developed by countries which are not members of the Community or by universities and enterprises or other institutions or bodies in these countries which relate to the same field of action as Tempus, including, where appropriate, participation in Tempus projects.

2. Such involvement can take various forms, including one or more of the following:

- participation in Tempus projects via co-financing,
- use of Tempus facilities for the channelling of bilaterally funded exchange actions,
- coordination with Tempus of those nationally based initiatives which are related to the same aims but which are financed and run separately,
- reciprocal exchange of information on all relevant initiatives in this field.

*Article 10***Annual report**

An annual report on the functioning of Tempus shall be submitted by the Commission to the European Parliament, the Council, the Economic and Social Committee and to the participating countries.

*Article 11***Monitoring and evaluation arrangements — reports**

The Commission shall, in accordance with the procedure set out in Article 5 (3), establish arrangements for the monitoring and evaluation of the experience acquired in

the implementation of Tempus, taking into account in particular the objectives set out in Article 4.

It shall submit an interim report, including the results of the evaluation, before 31 December 1992, as well as a proposal for the continuation or adaptation of Tempus as a whole, beyond the initial pilot phase.

A final report shall be presented by the Commission by 31 December 1995.

Done at Brussels, 7 May 1990.

For the Council

The President

G. COLLINS

*ANNEX***ACTION I****Joint European projects**

1. The Community will provide support for joint European projects linking universities and/or enterprises in eligible countries with partners in the Community.

Joint European projects will as far as possible comprise at least one university or enterprise from an eligible country and partner institutions in at least two Member States.

Such projects may be linked, as appropriate, to existing networks, notably those funded in the framework of the Erasmus, Comett and Lingua programmes.

2. Joint European project grants may be awarded for a wide range of activities according to the specific needs of the institutions concerned, including notably for curricular development and overhaul, integrated study courses, development of teaching materials, training and retraining of teachers, particularly in the field of modern European languages, the provision of short, intensive programmes, the development of language and area studies and of distance learning.

Support equipment and documentation necessary for the implementation of a joint European project could also be eligible for funding.

ACTION 2**Mobility grants**

1. (a) The Community will introduce a scheme for direct financial support of students up to and including doctorate level from eligible countries, irrespective of their age or the subject of their studies, for a period of study at a university in a Member State. Such grants will be awarded to students for full-time study at a university for a period of normally between three months and one academic year.

Priority will be given to students whose studies are part of a joint European project, or who intend to become teachers or trainers on their return. Grants will also be awarded to enable teachers in modern European languages to carry out further academic training in the Member States or in an eligible country.

- (b) The Community may also provide grants to students from universities in the Community to spend a period of study in a university of an eligible country.
2. (a) The Community will provide support for teaching/training assignments for teaching staff at universities or for industry personnel in Member States to carry out teaching/training assignments for periods from one week to one academic year in eligible countries.
 - (b) The Community will also provide support aimed at enabling teaching staff at universities or industry personnel in eligible countries to carry out similar arrangements in Member States.
 - (c) With regard to (a) and (b), special attention will be paid to language lecturers who will teach modern European languages in the eligible country or Member State concerned.
3. (a) The Community will provide support for industrial or practical placements of one to six months for teachers, trainers and students to undertake a practical training period in public or private firms or other bodies.
 - (b) Such grants will be awarded for placements in Member States and in eligible countries.
4. The Community will also provide support for short visit grants for teachers, trainers, university administrators and other training experts to visit for a period of one week to one month a Member State or an eligible country in order to carry out various activities such as, in particular, preparing joint European projects.
5. All types of mobility grant will include support for linguistic preparation where necessary.

ACTION 3**Complementary activities**

1. Support will be provided to projects involving exchanges of young people and youth organizers between Member States and eligible countries.
 2. Grants will be made to enable eligible countries to participate in the activities of European associations, notably associations of universities.
 3. Support will be provided to facilitate publications and other information activities of particular importance in view of the overall objectives of Tempus.
 4. Support will be provided for studies and surveys designated to analyse the development of the higher education/training systems in eligible countries. Support will be provided for a study of the demand for and practicability of exchanges of researchers between the eligible countries and the Member States. Depending on the results of the study, further consideration will be given to the provision of support for such exchanges.
 5. The necessary technical assistance including coordination of the monitoring and evaluation of Tempus will be provided at Community level to underpin the activities undertaken in accordance with this Decision.
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COMMISSION

COMMISSION DECISION

of 8 May 1990

authorizing the acquisition of the entire share capital of C. Walker and Sons (Holdings) Ltd by British Steel plc

(Only the English text is authentic)

(90/234/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 66 thereof,

Having regard to Decision No 24-54 of 6 May 1954 laying down in implementation of Article 66 (1) of the ECSC Treaty a regulation on what constitutes control of an undertaking⁽¹⁾,

Having regard to the request made by British Steel plc, London, on 5 October 1989 for authorization to acquire the entire issued share capital of C. Walker and Sons (Holdings), Blackburn,

Having consulted the Governments of the United Kingdom and of Ireland,

Whereas :

I. THE PARTIES

(1) British Steel plc (BS) is a public company quoted on the London International Stock Exchange with an issued share capital of £ 1 000 million. Its main activities are the production and distribution of ECSC steel products. In addition it also manufactures and distributes a range of products not covered by the ECSC Treaty and operates in the shipping and consultancy sectors. BS is therefore an ECSC undertaking as defined by Article 80 of the ECSC Treaty.

(2) In the year to 31 March 1989 BS had a turnover of £ 4 906 million of which £ 634 million related to stockholding, £ 340 million in the United Kingdom and £ 294 million elsewhere in the European Communities.

(3) In addition to its own subsidiaries BS is concentrated with a number of other producers and distributors :

ASW Holdings Group : 20 % shareholding

United Engineering Steels : 50 % shareholding

United Merchant Bar : 25 % shareholding

DSRM Group : 50 % shareholding

Templeborough Rolling Mills : 50 % shareholding

(4) C. Walker and Sons (Holdings) Ltd (Walkers) is a private United Kingdom company with a paid-up share capital of £ 3,5 million whose principal activity is the distribution of both ECSC and non-ECSC steel products. Walkers also has manufacturing activities, financial services and an airline operation. This last activity is not included in the assets to be acquired by BS. Walkers is thus also an ECSC undertaking as defined by Article 80.

(5) In the year to 3 June 1989 Walkers' turnover for the activities to be acquired by BS was £ 622 million of which £ 596 million related to stockholding. Of this total £ 531 million were realized in the United Kingdom and £ 65 million in Ireland.

II. THE NATURE OF THE TAKEOVER

(6) BS intends to acquire the entire issued share capital of Walkers thereby bringing about a concentration within the meaning of Decision No 24-54.

III. RELEVANT MARKETS

(7) Large steel stockholders, such as BS and Walkers, carry a very wide range of steel products, both those covered by the ECSC Treaty and those falling under the EEC Treaty. The most important product categories are sections, plate, hot- and cold-rolled strip, coated sheet, stainless sheet and merchant bars. These are defined as the 'ECSC stockholders

⁽¹⁾ OJ No 9, 11. 5. 1954, p. 345/54.

products' and tubes and bright bars the 'EEC stockholders products'. The ECSC and the EEC stockholders products together are the 'stockholder products' and constitute the relevant product market.

- (8) The bulk, over 80 %, of the products sold by the two companies fall under the ECSC Treaty, however tubes and bright bars must be considered under the EEC Treaty. The ECSC and EEC products are therefore examined separately. In addition concrete reinforcement, which falls partly under the ECSC Treaty and partly under the EEC Treaty, is considered separately.
- (9) In addition to the examination of the overall market situation, each important sub-market, sections and plates, strip products, stainless flat products, merchant bars, tubes and bright bars, will be examined individually to ensure that the proposed transaction will not have adverse effects at this level.
- (10) The geographical market must be considered at several levels. BS and most if not all of the major integrated steelmakers in the Community have steel stockholding and trading operations outside their own national markets. BS owns stockholders in France, the Federal Republic of Germany, and the Netherlands, while Hoogovens, Krupp, Klöckner, Thyssen and Usinor Sacilor, among others, have stockholding interests in the United Kingdom. The largest stockholder in France is owned by Cockerill Sambre, the Belgian producer. These facts and the high level of import penetration, in the United Kingdom in 1988, for example, supplies from the Community and imports from third countries accounted for 33 % of ECSC stockholders product demand and 26 % of the demand for both tubes and bright bar, indicate that the Community is the relevant market. The positions on the UK and Irish national markets are also important and should be considered in detail.
- (11) Stockholding is a local service. Transport costs and delays usually limit the competitiveness of a given depot to the geographical area immediately surrounding the depot. The size of this area will vary from product to product and from location to location. It is also determined by the location of competing stockholders' depots. This local effect is critical when determining the effects on competition.
- (12) Although there is a definite stockholders' market in the sense that certain products are distributed through local operations to a generally local clientele, many of its customers could equally buy directly from the producing mills or buy imported steel through a steel trader. This dimension must also be examined in considering the proposed transaction.

IV. THE DEVELOPMENT OF STOCKHOLDING

- (13) The proportion of steel sold through stockholders continues to grow. In the United Kingdom the percentage of total steel deliveries sold by stockholders has grown steadily from 39 % in 1979 to 59 % in 1988. It is a market sector that no producers can ignore.

- (14) For producers the control of a certain proportion of the outlets for their production, whether through stockholders or other downstream outlets, wire-drawing, engineering, etc. offers the prospect of greater stability.

- (15) There are a number of reasons for the development of stockholding. On the production side, the number of producing mills has been reduced and their average size increased. As a result mills prefer not to accept small orders. To improve productivity, most mills attempt to maximize the length of production runs. Stockholders offer a convenient way of disposing of long production runs and of reducing stocks at the producing works.

- (16) A number of major consuming industries, including shipbuilding and coal-mining, that once bought very large quantities of steel direct from the mills, are in decline and now have much lower requirements. Technical developments have resulted in lighter, stronger, tougher steels which have reduced the tonnage requirements of industries such as automobile manufacture, rails and white goods which traditionally have bought directly from the mills.

- (17) There have been developments in the nature of stockholding: many stockists now not only retail steel, they also carry out processing operations and add value. Such operations include slitting, cutting to length, profiling, etc., and relieve customers of the necessity of installing plant and employing labour. The most recent development in this field is the growth of 'just-in-time' supply where the

stockist, usually located close to a major customer's factory, provides pre-prepared material at very short notice to the customer's schedules, thereby enabling him to eliminate or greatly reduce their stocks and better control their production process.

V. ECSC PRODUCTION

(18) Walkers produces aluminized sheet. Its annual production in 1988 was [...] ⁽¹⁾ tonnes. Although BS is a major producer of coated sheet products with total production over 2 million tonnes in 1988, it does not produce aluminized sheet. Therefore the result of the transaction will be to complement BS's product range in this sector.

(19) In addition, Walkers cut special sections (guide rails) to length. These sections are rolled for them by BS on rolls owned by Walkers. Sales of this product amounted to [...] tonnes in 1988.

VI. ECSC STOCKHOLDERS

(20) If BS/Walker maintains, after the proposed transaction, the market shares currently enjoyed by BS and Walkers individually it will have less than 7 % of the Community market for all ECSC stockholder products. For no category of product will this percentage exceed 9 %. In the Community there will be competition from three larger stockholding operations with about 8 % of the Community market each and several hundred smaller stockists.

(a) BS/Walkers share of the ECSC stockholders market

EUR 12 (1988)

Product	BS/Walkers (1 000 tonnes)	EUR 12 (1 000 tonnes)	%
Plates and sections	745	9 418	7,9
Strip mill products	1 346	21 285	6,3
Stainless flat products	90	1 024	8,8
Merchant bar	210	5 907	3,5
Total	2 391	37 634	6,3

(21) In the United Kingdom BS has approximately 17 % of the national market for ECSC stockholders' products and Walkers about 20 %. Thus together they will have an initial market share of about 37 %. This varies between 33 % and 39 % depending on the product in question as shown in Table (b).

(b) BS/Walkers share of the ECSC stockholders market

United Kingdom (1988)

Product	BS/Walkers (1 000 tonnes)	United Kingdom (1 000 tonnes)	%
Plates and sections	559	1 451	39
Strip mill products	1 075	2 870	37
Stainless flat products	47	133	35
Merchant bar	190	573	33
Total	1 871	5 027	37

(22) BS believes that the market share in the United Kingdom of BS and Walkers will drop from 37 % to [...] % because some customers, who now buy from both BS and Walkers, will wish to maintain, for strategic reasons, independent supply sources. This has been the case in previous takeovers, notably in the case of the acquisition by Simpsons, a BS subsidiary, of SSSD in 1983, when the initial 20 % market share for the combined operation fell to 13 % by 1985 and has stayed at this level. At the time of Walkers' takeover of GKN Steelstock in 1986 the combined market share was 20 %, this fell to 18 % over the next 12 months.

(23) BS has no stockholding operations in Ireland. However, as a result of the takeovers in 1988 of Listers and the Steel Company of Ireland, Walkers has a very strong presence. This is shown in the table below which indicates that Walkers had just under 50 % of the stockholders market in 1988 and had market shares of 59 % and 61 % for plates and sections and for strip mill products respectively.

⁽¹⁾ In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 45 (2) of the ECSC Treaty.

(c) BS/Walkers share of the ECSC stockholders market*Ireland (1988)*

Product	BS/Walkers (1 000 tonnes)	Ireland (1 000 tonnes)	%
Plates and sections	35	59	59
Strip mill products	58	95	61
Stainless flat products	2	5	40
Merchant bar	5	43	12
Total	100	202	50

VII. BRITISH STEEL AS AN ECSC SUPPLIER

- (24) Walkers is BS's largest customer, in 1988 it bought over 935 000 tonnes of ECSC Treaty products. This was over 90 % of its total requirements in the United Kingdom. In Ireland BS provided some

30 000 tonnes, or 30 % of the Walker Group's needs there.

- (25) In contrast, BS provided only 80 % of the requirements of its own stockholding subsidiaries in the UK and 26 % of the requirements of its own stockholding operations elsewhere in the Community.

- (26) The scope for BS to increase its sales through the Walker operation is severely limited by the already very high level of purchases from BS. In fact, if the current BS practices were to be extended to the Walkers' operation there would be a fall in the tonnage of steel purchased from BS.

- (27) The combined position of BS as stockholder and a direct supplier of ECSC stockholder products before and after the completion of the takeover of Walkers in the United Kingdom and Ireland is shown in Table (d) below.

(d) BS as a direct supplier and stockholder*ECSC stockholder products (1988)*

	United Kingdom		Ireland	
	(1 000 tonnes)	% of UK total	(1 000 tonnes)	% of Irish total
BS direct sales	[...]	[...]	[...]	[...]
BS stockholder sales	[...]	[...]	[...]	[...]
(of which from BS)	[...]	[...]	[...]	[...]
Total before acquisition	[...]	[...]	[...]	[...]
Walkers' sales	[...]	[...]	[...]	[...]
(of which from BS)	[...]	[...]	[...]	[...]
Total after acquisition	[...]	[...]	[...]	[...]
Total market	[...]	[...]	[...]	[...]

- (28) The share of their national markets that other similarly placed steel producers control through their direct sales and their sales through their stockholding subsidiaries are of the same order of magnitude: Usinor Sacilor, 49 %; Cockerill Sambre, 46 %; ILVA, 54 %.

VIII. APPLICATION OF ARTICLE 66 OF THE ECSC TREATY

- (29) The proposed transaction is a concentration in the sense of Decision No 24-54 and therefore requires prior authorization by the Commission. This must be granted if the operation does not give the undertakings concerned the power, in respect of the products covered by the ECSC Treaty:

— to determine prices, to control or restrict production or distribution or to hinder effective competition in a substantial part of the market for those products, or

— to evade the rules of competition instituted by the ECSC Treaty, in particular by establishing an artificially privileged position involving substantial advantage in access to supplies or markets.

- (30) As Walkers' production of aluminized sheet is small and as BS does not make this product, the concentration of BS's and Walkers' ECSC production operations will not change the competitive position for this product. Similarly the concentra-

tion will not effect the situation for the guide rails produced by BS and sold after cutting to length by Walkers.

- (31) At the level of the European Community, BS/Walkers with its market share of less than 7 % for ECSC stockholders' products, will not be able to determine prices. In the United Kingdom and particularly in Ireland its position is stronger. However, it will not be able to determine prices for the following reasons :
- there are a large number of competing stockholders, about 400 in the United Kingdom and 30 in Ireland,
 - some of these stockholders are quite large. ASD plc, the next largest, has about [...] % of the overall United Kingdom market for stockholders products and has grown very rapidly from a single depot to a nationwide network in 10 years,
 - smaller stockholders have comparatively large shares in the market niches they occupy, for example Glynwed is estimated to hold [...] % of the United Kingdom market for stainless steel flat products,
 - the independent stockholders, together with those controlled by other producers will control at least 63 % of the market in the United Kingdom and 50 % in Ireland,
 - in Ireland, there is no change at the level of distribution as BS has no stockholding operations in this country,
 - owing to the localized nature of the stockholding business, even stockholders whose operations on a national or European scale are small can provide very effective competition in their own geographical and product areas. Each BS/Walkers' depot has at least three competing stockholders in its geographical location,
 - these smaller distribution operations are not necessarily tied to BS as a supplier. Some are already owned by Continental producers, and other steelmakers would be glad to increase their sales at the expense of BS by supplying independent stockholders. The competing stockholders should enjoy easy access to supplies of steel at competitive prices. Imports already account for some 33 % of United Kingdom demand for ECSC stockholder products.
- (32) BS/Walkers will not be in a position to control production or the distribution of ECSC products as its share of Community output is only about 8 %.
- In the United Kingdom its share of production is some 65 %. However, steel is largely a commodity product where there is a little to differentiate BS's steel from that from other sources. If BS were to restrict its production so as to reduce the supply of steel to competing stockholders the shortfall could be made up by other producers both inside and outside the Community.
- (33) Given the heavily capital-intensive nature of steel production a voluntary reduction of production would increase BS's unit costs, thus reducing or eliminating the possible benefits of the shortage it would create, while in the long term it could look forward to a permanent loss of market share and of its credibility as a supplier. If the reduction in production succeeded in raising price levels in the United Kingdom, it would attract additional imports.
- (34) BS/Walkers will be a major outlet for BS's production. However, this will not give BS an artificially privileged position as BS/Walkers must compete in the marketplace with the independent stockholders and with those owned by other producers. BS is required, in any event, to comply with the ECSC rules for sales.
- (35) Walkers already takes the large majority, over 90 % in 1988, of its steel requirements from BS so there is very little scope for BS to increase its sales through the Walkers outlets. In 1988 BS's own stockholding operations bought only 80 % of their steel from BS. If this pattern was applied to Walkers' ECSC stockholding operations, Walkers would buy some [...] tonnes less from BS.
- (36) In making an assessment as to whether the proposed transaction can be authorized the Commission must take into the account the size of like undertakings.
- (37) In the Community market for stockholders products as a whole there are several producers who already have a similar or larger share than the 7 % BS/Walker will have. These include Usinor Sacilor, Cockerill Sambre, Arbed, ILVA and Thyssen.
- (38) Some of these companies have significant shares of their national markets, notably Usinor Sacilor [...] %, Cockerill Sambre [...] % and ILVA [...] %. The proportion of the market for ECSC stockholder products held by producers is very much higher outside the United Kingdom, averaging 63 % for the nine major producing countries

against only 21 % in the United Kingdom. The range is between 11 % in Spain and 88 % in the Federal Republic of Germany.

- (39) After the completion of the takeover, about 33 % of BS's production of finished products will be sold through its stockholding subsidiaries (at present some 20 % is sold this way). Other companies have higher proportions, for instance the tonnage sold by Cockerill Sambre's stockholding arm was almost as big as its total production. Steel companies that can distribute a large part of their production through tied outlets have a more stable base upon which to plan for the future.
- (40) The conditions set out in Article 66 (2) of the ECSC Treaty are therefore met and the concentration can be authorized in so far as it concerns ECSC products.

IX. REINFORCEMENT

- (41) Reinforcement consists of steel for reinforcing in standard or cut lengths (ECSC products) and bent bars and mesh (EEC products). These products are supplied by reinforcement engineers to building and public works contractors. The contractors are supplied with a mix of straight and bent bars and mesh to meet their requirements. It is therefore, at the practical level, very difficult to separate the ECSC and EEC aspects of this trade. For this reason steel for reinforcement will be treated as one product, though only the ECSC aspect will be examined in this Decision.
- (42) BS no longer produces steel for reinforcement itself and has no direct interest in reinforcement engineering. ASW, a company in which BS has a 20 % stake and with which it is concentrated, is a large producer, and also has two reinforcement engineering subsidiaries both of which operate in the United Kingdom.
- (43) Walkers has a small reinforcement operation in the United Kingdom and a larger operation in Ireland. In the United Kingdom the combined sales will be [...] tonnes, giving BS and Walkers a market share of some [...] %.
- (44) Irish consumption of steel for reinforcement is very small, 76 000 tonnes in 1988 (less than 0,7 % of Community sales) compared with an estimated 12 million tonnes in Europe. Neither BS nor ASW have any reinforcement operations in Ireland. Walkers supply approximately 77 % of this small market for reinforcement.

- (45) In the three years 1986 to 1988 the Walkers reinforcement operation in Ireland has bought minimal tonnage of reinforcing bar from ASW. The local steel producer Irish Steel Ltd stopped producing reinforcing bars early in 1989 and Walkers has started to buy from ASW at a rate equivalent to approximately [...] tonnes a year or [...] % of its requirements in Ireland.

X. APPLICATION OF ARTICLE 66 OF THE ECSC TREATY TO REINFORCEMENT

- (46) Under the ECSC Treaty, in the United Kingdom the combined market share does not give rise to concern. However, BS/Walkers will have a very high market share for straight bars in Ireland. This share was already held by Walkers alone before the proposed transaction. Therefore there is no change in the competitive situation at the level of distribution.
- (47) The conditions set out in Article 66 (2) have been met in relation to straight bars (ECSC products) and this aspect of the proposed transaction may be authorized.

XI. EASE OF ENTRY INTO THE STOCKHOLDING SECTOR

- (48) The comparative ease of entry in the stockholding market is a protection against abuses or distortions of the market. There are various levels of sophistication, but the most basic operation does not require either large amounts of finance nor high levels of expertise. New entrants looking for niches to exploit and ready to take advantage of opportunities not considered by the larger stockholders will be able to establish themselves comparatively easily.
- (49) The new entrants and smaller stockholders will not be dependent on BS for their steel supplies. Other producers, primarily, but not exclusively, in the Community are kept to extend their sales. Overcapacity in the steel-producing industry, which will be an important factor once the exceptionally high demand experienced in 1988/1989 returns to more normal levels, should ensure ready availability of supplies to independent stockholders, whether new entrants or well-established operations.

XII. CONCLUSIONS

- (50) The conditions set out in Article 66 (2) of the ECSC Treaty have been met so that the proposed transaction can be authorized.

- (51) BS is obliged by the ECSC Treaty to comply with the ECSC pricing rules for sales outside the BS concentration. However, in the light of its high market shares in the United Kingdom and Ireland, and its position as a major supplier to these markets, BS should be required to report annually to the Commission on the prices it charges to its own stockholding subsidiaries and those it charges to competing stockholders,

HAS ADOPTED THIS DECISION :

Article 1

British Steel plc is hereby authorized under Article 66 (2) of the ECSC Treaty to acquire the entire share capital of C. Walker and Sons (Holdings) Ltd.

Article 2

British Steel shall, within three months of the end of its financial year, present to the Commission analyses by product group of the average net prices charged to those stockholding companies, in the United Kingdom and

Ireland, in which it holds more than 50 % of the equity, and the range of prices for its sales to other stockholders. The analyses shall be made separately for the United Kingdom and Irish markets. The product groups shall be the following : sections, merchant bars, plates, hot-rolled coil and sheet, cold-rolled coil and sheet, hot-rolled stainless strip, cold-rolled stainless strip, galvanized sheet and other coated sheet.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Article 4

This Decision is addressed to British Steel plc, 9 Albert Embankment, London SE1 7SN.

Done at Brussels, 8 May 1990.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

(Official Journal of the European Communities No L 84 of 30 March 1990)

Page 98, Article 18 (2); in the table, column 'Description':

— CN code 2009 40 11 reads as follows:

- '— — — Of a value not exceeding ECU 30 per 100 kg net weight
- — — Of a density not exceeding 1,33 g/cm³ at 20 °C:
- — — Of a value exceeding ECU 30 per 100 kg net weight';

— CN code 2009 40 30, first sub-indent, reads as follows:

- '— — — Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar'.

Page 101, Article 22:

for:

- | | |
|------------|---|
| '2008 99 | — — Other: |
| | — — — Containing added spirit |
| | — — — Not containing added spirit: |
| 2008 99 85 | — — — — Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)', |

read:

- | | |
|------------|---|
| '2008 99 | — — Other: |
| | — — — Not containing added spirit: |
| | — — — — Not containing added sugar: |
| 2008 99 85 | — — — — — Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)'. |
-