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## Legislation

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The titles of all other Acts are printed in bold type and preceded by an asterisk.

<p>★ <b>Commission Regulation (EEC) No 3799/90 of 21 December 1990 re-establishing the levying of the customs duties applicable to the products of category No 27 (order No 40.0270) originating in India, to which the preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply</b> .....</p> <p>Commission Regulation (EEC) No 3800/90 of 27 December 1990 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products .....</p> <p>Commission Regulation (EEC) No 3801/90 of 27 December 1990 fixing the export refunds on pigmeat .....</p> <p>Commission Regulation (EEC) No 3802/90 of 27 December 1990 fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables .....</p> <p>Commission Regulation (EEC) No 3803/90 of 27 December 1990 fixing the import levies on milk and milk products .....</p> <p>Commission Regulation (EEC) No 3804/90 of 27 December 1990 fixing the export refunds on milk and milk products .....</p> <p>Commission Regulation (EEC) No 3805/90 of 27 December 1990 altering the export refunds on malt .....</p> <p>Commission Regulation (EEC) No 3806/90 of 27 December 1990 amending for the second time Regulation (EEC) No 3519/90 introducing a countervailing charge on fresh clementines originating in Morocco .....</p> <p>Commission Regulation (EEC) No 3807/90 of 27 December 1990 fixing the import levies on white sugar and raw sugar .....</p>	<p>36</p> <p>37</p> <p>40</p> <p>45</p> <p>47</p> <p>54</p> <p>74</p> <p>76</p> <p>77</p>
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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 3790/90  
of 27 December 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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 1801/90<sup>(5)</sup> and subsequent amending Regulations;

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

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

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 24 December 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 1801/90 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 28 December 1990.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 167, 30. 6. 1990, p. 8.

## ANNEX

## to the Commission Regulation of 27 December 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	29,58	138,45 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	29,58	138,45 <sup>(2)</sup> <sup>(3)</sup>
1001 10 10	24,85	194,58 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	24,85	194,58 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	29,99	187,78
1001 90 99	29,99	187,78
1002 00 00	55,10	153,99 <sup>(4)</sup>
1003 00 10	46,40	146,77
1003 00 90	46,40	146,77
1004 00 10	38,04	143,66
1004 00 90	38,04	143,66
1005 10 90	29,58	138,45 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	29,58	138,45 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	46,40	143,58 <sup>(4)</sup>
1008 10 00	46,40	57,69
1008 20 00	46,40	124,42 <sup>(4)</sup>
1008 30 00	46,40	68,57 <sup>(5)</sup>
1008 90 10	(7)	(7)
1008 90 90	46,40	68,57
1101 00 00	55,84	276,74
1102 10 00	90,99	229,44
1103 11 10	51,84	314,92
1103 11 90	59,40	297,97

(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 3791/90

of 27 December 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(4)</sup>, 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 1802/90 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 24 December 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 28 December 1990.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.<sup>(5)</sup> OJ No L 167, 30. 6. 1990, p. 11.

## ANNEX

to the Commission Regulation of 27 December 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	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	3,20
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 3792/90

of 21 December 1990

## on special conditions for the granting of private storage aid for pigmeat

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3906/87<sup>(2)</sup>, and in particular Articles 4 (6), 5 (4), 7 (2) and the second subparagraph of Article 22 thereof,

Having regard to Council Regulation (EEC) No 3577/90 of 4 December 1990, on the transitional measures and adjustments required in the agricultural sector as a result of German unification<sup>(3)</sup> and in particular Article 3,

Whereas intervention measures may be taken in respect of pigmeat if, on the representative markets of the Community, the average price for pig carcasses is less than 103 % of the basic price and is likely to remain below that level;

Whereas the market situation has been characterized by a marked fall in prices below the level mentioned; whereas, in view of seasonal and cyclical trends, this situation could persist;

Whereas intervention measures must be taken; whereas these can be limited to the granting of private storage aid;

Whereas Article 3 of Council Regulation (EEC) No 2763/75<sup>(4)</sup> provides that the period of storage can be curtailed or extended if the market situation so requires; whereas Article 9 (4) of Commission Regulation (EEC) No 3444/90<sup>(5)</sup>, provides for early withdrawal from store for export; whereas the period of storage may also be curtailed in case of *force majeure* as referred to in Article 10 of the said Regulation; whereas, therefore, provision should be made to fix not only the amounts of aid for a specific period of storage but also the amounts to be added or deducted if this period is curtailed or extended;

Whereas, in order to facilitate administrative and control work resulting from the conclusion of contracts, minimum quantities should be fixed;

Whereas the security should be fixed at a level such as will oblige the storter to fulfil the obligations undertaken by him;

Whereas there is reason to exclude certain products destined for export from the benefits of this Regulation because the Commission has authorized the payment of a supplementary export refund from national funds for these products;

Whereas the Management Committee for Pigmeat has not delivered an opinion within the time limit set by the Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. As from 7 January 1991 applications for private storage aid may be introduced in accordance with the provisions of Regulation (EEC) No 3444/90. The list of products which qualify for aid and the relevant amounts are set out in the Annex hereto.

2. If the period of storage is extended or curtailed, the amount of the aid shall be adjusted accordingly. The amounts of the supplements and deductions per month and per day are set out in columns 7 and 8 of the said Annex.

*Article 2*

The products for export from Germany to third countries for which a supplementary export refund from national funds has been authorised by the Commission may not be the subject of requests for aid to private storage by virtue of this Regulation.

Germany shall take the necessary measures to assure respect of this disposition.

*Article 3*

The minimum quantities per contract and per product shall be as follows:

- (a) 10 tonnes for boned products;
- (b) 15 tonnes for all the other products.

*Article 4*

The security shall be 20 % of the amounts of aid set out in the Annex.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 370, 30. 12. 1987, p. 11.

<sup>(3)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(4)</sup> OJ No L 282, 1. 11. 1975, p. 19.

<sup>(5)</sup> OJ No L 333, 30. 11. 1990, p. 22.

*Article 5*

By way of derogation from Article (4) of Regulation (EEC) No 3444/90 the minimum quantity for carcasses or half carcasses is fixed at 9 tonnes.

States will inform the Commission, on Tuesday and Thursday of each week, of the quantities of products for which requests for conclusion of contract have been deposited since the preceding communication.

*Article 6*

Without prejudice to the communications foreseen in Article 15 of Regulation (EEC) No 3444/90, the Member

*Article 7*

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, 21 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

(ECU/tonne)

CN code	Products in respect of which aid is granted	Amount of the aid for a storage period of				Supplement or deduction	
		4 months	5 months	6 months	7 months	per month	per day
1	2	3	4	5	6	7	8
ex 0203	<b>Meat of domestic swine, fresh or chilled :</b>						
ex 0203 11 10	Half carcasses without the head, forefoot, tail, flare fat, kidney, thin skirt and spinal cord <sup>(1)</sup>	261	292	323	354	31	1,03
ex 0203 12 11	Legs	314	349	384	419	35	1,17
ex 0203 12 19	Shoulders	314	349	384	419	35	1,17
ex 0203 19 11	Fore-ends	314	349	384	419	35	1,17
ex 0203 19 13	Loins, with or without the neck-end, or neck-ends separately <sup>(2)</sup> <sup>(3)</sup>	314	349	384	419	35	1,17
ex 0203 19 15	Bellies, whole or trimmed by rectangular cut	163	190	217	244	27	0,90
ex 0203 19 55	Bellies, whole or trimmed by rectangular cut, without rind and ribs	163	190	217	244	27	0,90
ex 0203 19 55	Legs, shoulders, fore-ends, loins with or without the neck-end, or neck-ends separately, boned <sup>(2)</sup> <sup>(3)</sup>	314	349	384	419	35	1,17
ex 0203 19 55	Cuts corresponding to 'middles', with or without rind or fat, boned <sup>(4)</sup>	240	269	298	327	29	0,97
ex 0203 19 59	Cuts corresponding to 'middles', with or without rind or fat, with bone in <sup>(4)</sup>	240	269	298	327	29	0,97

<sup>(1)</sup> The aid may be granted for half carcasses presented as Wiltshire sides, i. e. without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade bone, sternum, vertebral column, pelvic bone and diaphragm.

<sup>(2)</sup> Loins and neck-ends may be with or without rind, the adherent layer of fat, however, not exceeding 25 mm in depth.

<sup>(3)</sup> The quantity contracted may cover any combination of the products mentioned.

<sup>(4)</sup> Same presentation as for products falling within GN-code 0210 19 20.

## COMMISSION REGULATION (EEC) No 3793/90

of 21 December 1990

fixing the export refunds on baled tobacco from the 1990 harvest

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco<sup>(1)</sup>, as last amended by Regulation (EEC) No 1329/90<sup>(2)</sup>, and in particular the second subparagraph of Article 9 (1) and the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas under Article 9 of Regulation (EEC) No 727/70 the difference between world prices and Community prices for the products referred to in Article 1 of the said Regulation may be covered by an export refund;

Whereas under Council Regulation (EEC) No 326/71 of 15 February 1971 laying down general rules for granting export refunds on raw tobacco and fixing the amount of such refunds<sup>(3)</sup>, as amended by Regulation (EEC) No 1977/87<sup>(4)</sup>, the granting of refunds must be limited to baled tobacco produced from leaf tobacco harvested in the Community; whereas the refunds must be fixed for each variety produced in the Community in the light of the factors referred to in Article 2 (1) of Regulation (EEC) No 326/71;

Whereas for some varieties the outlets are very limited or involve high transport costs; whereas, moreover, some third countries exporting tobacco charge prices which have a marked effect on the competitive position of Community tobacco; whereas Article 4 of Regulation (EEC) No 326/71 foresees criteria to be taken into account in the assessment of the exceptional cases referred to in the second subparagraph of Article 9 (1) of Regulation (EEC) No 727/70; whereas in view of the abovementioned situation it may be concluded that these circumstances constitute exceptional cases which therefore justify the refund being fixed outside the limits specified in the second subparagraph of Article 9 (1) of Regulation (EEC) No 727/70;

Whereas, as a result of progress in processing and market preparation, an increasingly large part of Community production of certain varieties of tobacco is being exported in the form of threshed (stripped) tobacco;

whereas, consequently, the amount of the refund should be differentiated according to the form in which the baled tobacco is presented; whereas for exports of entirely threshed (stripped) tobacco it should be specified that the refund is to be granted only on the strips, not scraps, and the amount should be increased accordingly to take account of the results of threshing; whereas, to avoid any risk of confusion, the strips must measure at least 0,5 centimetres;

Whereas the trade in threshed (stripped) tobacco involves only a few tobacco varieties; whereas some oriental varieties in particular are not threshed on account of their small leaf size; whereas the refund should therefore be differentiated only for strips from varieties which are actually threshed and the differentiated amount worked out by applying to the basic amount set for unthreshed tobacco of the particular variety the coefficient set in the Annex to Commission Regulation (EEC) No 410/76 of 23 February 1976 fixing the maximum permissible weight losses in connection with the supervision of the first processing and market preparation of tobacco<sup>(5)</sup>, as last amended by Regulation (EEC) No 2131/86<sup>(6)</sup>;

Whereas, to apply the rules and criteria referred to above in the present situation on the market in tobacco, and in particular in the light of Community and world prices, a refund should be fixed for the products listed in the Annex, at the levels and for the countries specified therein;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of varieties of baled tobacco from the 1990 harvest on which the export refund referred to in Article 9 of Regulation (EEC) No 727/70 is to be granted, the amount of the refund and the countries of destination shall be as specified in the Annexes.

The refund shall be granted on baled tobacco presented in one of the following two forms:

(<sup>1</sup>) OJ No L 94, 28. 4. 1970, p. 1.

(<sup>2</sup>) OJ No L 132, 23. 5. 1990, p. 25.

(<sup>3</sup>) OJ No L 39, 17. 2. 1971, p. 1.

(<sup>4</sup>) OJ No L 184, 3. 7. 1987, p. 55.

(<sup>5</sup>) OJ No L 50, 26. 2. 1976, p. 11.

(<sup>6</sup>) OJ No L 187, 9. 7. 1986, p. 9.

- (a) tobacco in the form of whole or cut (not stripped) leaves falling within CN code ex 2401 10 (Annex I);
- (b) threshed (totally stripped) tobacco in the form of strips measuring at least 0,5 centimetres, falling within CN code ex 2401 20 (Annex II).

*Article 2*

This Regulation shall enter into force on 1 January 1991.

It shall apply until 31 December 1991.

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

Done at Brussels, 21 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

(ECU/kg)				
Serial No	Variety	Product code	Amount of the refund on tobacco in the form of whole or cut (unstripped) leaves (Article 1 (2) (a))	Countries of destination (1)
1	Badischer Geudertheimer	2401 10 70 0100	0,34	01
2	Badischer Burley E	2401 10 20 0200	0,34	01
3	Virgin D	2401 10 10 0300	0,30	02
4	(a) Paraguay	2401 10 70 0410	0,29	01
	(b) Dragon vert and hybrids thereof, Philippin, Petit-Grammont (Flobecq), Semois, Appelterre	2401 10 70 0420	0,34	01
7	Bright	2401 10 80 0700	0,30	02
8	Burley I	2401 10 20 0800	0,30	02
9	Maryland	2401 10 30 0900	0,30	02
10	Kentucky	2401 10 41 1000	0,44	02
11	(a) Forchheimer Havana II c), e) Hybrids of Badischer Geudertheimer	2401 10 70 1110	0,29	01
13	Xanti-Yaka	2401 10 60 1300	0,37	03
14	(a) Perustiza	2401 10 60 1410	0,37	03
	(b) Samsun	2401 10 60 1420	0,25	03
15	Erzegovina	2401 10 60 1500	0,37	03
16	(a) Round Tip	2401 10 90 1610	} 0,61	02
	(b) Scafati	2401 10 90 1620		02
	(c) Sumatra I	2401 10 90 1630		02
17	Basmas	2401 10 60 1700	0,34	03
18	Katerini and similar varieties	2401 10 60 1800	0,34	03
19	(a) Kaba Koulak classic	2401 10 60 1910	0,34	03
	(b) Elassona	2401 10 60 1920	0,34	03
20	(a) Kaba Koulak non classic	2401 10 60 2010	0,44	03
	(b) Myrodata Smyrne, Trapezous, and Phi I	2401 10 60 2020	0,44	03
21	Myrodata Agrinion	2401 10 60 2100	0,44	03
22	Zichnomyrodata	2401 10 60 2200	0,34	03
23	Tsebelia	2401 10 60 2300	0,37	03
24	Mavra	2401 10 60 2400	0,37	03
25	Burley EL	2401 10 20 2500	0,30	02
26	Virginia EL	2401 10 10 2600	0,25	02
27	Santa Fé	2401 10 70 2700	0,34	01
28	Burley fermenté	2401 10 70 2800	0,34	01
29	Havana E	2401 10 70 2900	0,34	01
30	Round Scafati	2401 10 90 3000	0,37	02
31	Virginia E	2401 10 10 3100	0,25	02
32	Burley E	2401 10 20 3200	0,30	02
33	Virginia P	2401 10 10 3300	0,30	02
34	Burley P	2401 10 20 3400	0,30	02

(1) 01 All third countries.

02 All third countries except the United States and Canada.

03 All third countries except Turkey and Yugoslavia.

## ANNEX II

<i>(ECU/kg)</i>				
Serial No	Variety	Product code	Amount of the refund on threshed (totally stripped) tobacco (Article 1 (2) (b))	Countries of destination (1)
1	Badischer Geudertheimer	2401 20 70 0100	0,47	01
2	Badischer Burley E	2401 20 20 0200	0,47	01
3	Virgin D	2401 20 10 0300	0,42	02
4	(a) Paraguay	2401 20 70 0410	0,40	01
	(b) Dragon and hybrids thereof, Philippin, Petit-Grammont (Flobecq), Semois, Appelterre	2401 20 70 0420	0,47	01
7	Bright	2401 20 80 0700	0,42	02
8	Burley I	2401 20 20 0800	0,42	02
9	Maryland	2401 20 30 0909	0,42	02
10	Kentucky	2401 20 41 1000	0,61	02
11	(a) Forchheimer Havana II c), e) Hybrids of Badischer Geudertheimer	2401 20 70 1110	0,40	01
23	Tsebelia	2401 20 60 2300	0,52	03
25	Burley EL	2401 20 20 2500	0,42	02
26	Virginia EL	2401 20 10 2600	0,36	02
27	Santa Fé	2401 20 70 2700	0,47	01
28	Burley fermenté	2401 20 70 2800	0,47	01
29	Havana E	2401 20 70 2900	0,47	01
31	Virginia E	2401 20 10 3100	0,36	02
32	Burley E	2401 20 20 3200	0,42	02
33	Virginia P	2401 20 10 3300	0,42	02
34	Burley P	2401 20 20 3400	0,42	02

(1) 01 All third countries.

02 All third countries except the United States and Canada.

03 All third countries except Turkey and Yugoslavia.

## COMMISSION REGULATION (EEC) No 3794/90

of 21 December 1990

extending Regulations (EEC) No 3886/87, and (EEC) No 3665/88 and (EEC) No 3766/89 fixing, in respect of 1987, 1988 and 1989 crops, export refunds for raw tobacco

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

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco<sup>(1)</sup>, as last amended by Regulation (EEC) No 1329/90<sup>(2)</sup>, and in particular the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas export refunds were fixed in respect of certain varieties of tobacco from the 1987, 1988 and 1989 crops by Commission Regulations (EEC) No 3886/87<sup>(3)</sup>, (EEC) No 3665/88<sup>(4)</sup> and (EEC) No 3766/89<sup>(5)</sup> respectively, as last amended by Regulation (EEC) No 1778/90<sup>(6)</sup>;

Whereas the final date for granting those refunds was set at 31 December 1990; whereas, in respect of certain varieties of that tobacco, export possibilities after that date have presented themselves; whereas it is advisable to grant refunds in respect of the varieties in question from the 1987, 1988 and 1989 harvests, in order to enable those exports to be carried out;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In Article 2 of Regulation (EEC) No 3886/87, '31 December 1990' is hereby replaced by '30 June 1991'.
2. In Article 2 of Regulation (EEC) No 3665/88, '31 December 1990' is hereby replaced by '30 June 1991'.
3. In Article 2 of Regulation (EEC) No 3665/88, '31 December 1990' is hereby replaced by '30 June 1991'.

*Article 2*

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 21 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(2)</sup> OJ No L 132, 23. 5. 1990, p. 25.

<sup>(3)</sup> OJ No L 365, 24. 12. 1987, p. 35.

<sup>(4)</sup> OJ No L 318, 25. 11. 1988, p. 19.

<sup>(5)</sup> OJ No L 365, 15. 12. 1989, p. 28.

<sup>(6)</sup> OJ No L 163, 29. 6. 1990, p. 16.

## COMMISSION REGULATION (EEC) No 3795/90

of 21 December 1990

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EEC) No 3184/90

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89<sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies<sup>(3)</sup>, as amended by Regulation (EEC) No 1809/87<sup>(4)</sup>, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of intervention meat; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 569/88<sup>(5)</sup>, as last amended by Regulation (EEC) No 3712/90<sup>(6)</sup>, and (EEC) No 2182/77<sup>(7)</sup>, as last amended by Regulation (EEC) No 3988/87<sup>(8)</sup>, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EEC) No 3184/90<sup>(9)</sup> should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The following approximate quantities of beef shall be put up for sale for processing within the Community:

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 238, 6. 9. 1984, p. 13.

<sup>(4)</sup> OJ No L 170, 30. 6. 1987, p. 23.

<sup>(5)</sup> OJ No L 55, 1. 3. 1988, p. 1.

<sup>(6)</sup> OJ No L 358, 21. 12. 1990, p. 23.

<sup>(7)</sup> OJ No L 251, 1. 10. 1977, p. 60.

<sup>(8)</sup> OJ No L 376, 31. 12. 1987, p. 31.

<sup>(9)</sup> OJ No L 304, 1. 11. 1990, p. 79.

— approximately 500 tonnes of bone-in beef held by the United Kingdom intervention agency and bought in before 1 September 1990,

— approximately 250 tonnes of bone-in beef held by the Spanish intervention agency and bought in before 1 September 1989,

— approximately 2 000 tonnes of boned beef held by the United Kingdom intervention agency and bought in before 1 September 1990,

— approximately 500 tonnes of boned beef held by the Irish intervention agency and bought in before 1 September 1990,

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The sales shall be conducted in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 569/88, (EEC) No 2182/77 and this Regulation.

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

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 3 January 1991.

6. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

*Article 2*

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase:

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State;

(b) must be accompanied by:

— a written undertaking by the applicant to process the meat purchased into products specified in

Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,

- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

#### *Article 3*

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be:

- ECU 100 per 100 kilograms for unboned forequarters,
- ECU 140 per 100 kilograms for boned meat.

#### *Article 4*

Regulation (EEC) No 3184/90 is hereby repealed.

#### *Article 5*

This Regulation shall enter into force on 3 January 1991.

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

Done at Brussels, 21 December 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*



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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada <sup>(1)</sup> Mindstepriser i ECU/ton <sup>(1)</sup> Mindestpreise, ausgedrückt in ECU/Tonne <sup>(1)</sup> Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο <sup>(1)</sup> Minimum prices expressed in ecus per tonne <sup>(1)</sup> Prix minimaux exprimés en écus par tonne <sup>(1)</sup> Prezzi minimi espressi in ecu per tonnellata <sup>(1)</sup> Minimumprijzen uitgedrukt in ecu per ton <sup>(1)</sup> Preço mínimo expresso em ecus por tonelada <sup>(1)</sup>
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## a) Carne sin deshuesar — Ikke udbenet kød — Fleisch mit Knochen — Κρέας μη αποστωμένο — Unboned beef — Viande avec os — Carni con osso — Vlees met been — Carne com osso

España	— Cuartos delanteros provenientes de : Categoría A, clases U, R, O	500	1 200
United Kingdom	— Forequarters, from : Category C, class U, R, O	500	1 200

## b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Αποστωμένο κρέας — Boned beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada

Ireland	— Category C:		
	Briskets	200	1 600
	Plates and flanks	200	1 300
	Forequarters	100	2 000
United Kingdom	— Category C:		
	Foreribs	450	2 200
	Pony parts	100	1 600
	Briskets	1 000	1 500
	Forequarter flanks	370	1 500
	Thick flanks	45	3 000
	Rumps	30	3 000
Striploin flank edge	5	600	

(1) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

(1) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(1) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(1) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(1) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(1) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

(1) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(1) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(1) Estes preços aplicam-se a peso líquido conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.

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

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

ESPAÑA: Servicio nacional de productos agrarios (SENPA)  
c/ Beneficencia 8  
28003 Madrid  
Tel. 222 29 61  
Télex 23427 SENPA E

IRELAND: Department of Agriculture and Food  
Agriculture House  
Kildare Street  
Dublin 2  
Tel. (01) 78 90 11, ext. 22 78  
Telex 4280 and 5118

UNITED KINGDOM: Intervention Board for Agricultural Produce  
Fountain House  
2 Queens Walk  
Reading RG1 7QW  
Berkshire  
Tel. (0734) 58 36 26  
Telex 848 302

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COMMISSION REGULATION (EEC) No 3796/90  
of 21 December 1990

laying down provisions for the implementation of Council Regulation (EEC) No 1715/90 on the information provided by the customs authorities of the Member States concerning the classification of goods in the customs nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1715/90 of 20 June 1990 on the information provided by the customs authorities of the Member States concerning the classification of goods in the customs nomenclature<sup>(1)</sup>, and in particular Article 17 (2) thereof,

Whereas implementing provisions should be adopted laying down the procedure to be followed during the period when binding tariff information issued by the customs authorities is binding only in the Member State of issue, pending adoption by the Commission of a Regulation setting a date when tariff information binding in the Member States will bind the administrations of the other Member States as well;

Whereas Article 4 (1) of Regulation (EEC) No 1715/90 provides that applications for binding tariff information must be made in writing to the customs authority of the Member State in which the information is to be used;

Whereas Article 5 of Regulation (EEC) No 1715/90 specifies the particulars to be included in such applications;

Whereas Article 7 of Regulation (EEC) No 1715/90 provides that information supplied confidentially must not be divulged by the customs authority;

Whereas it is appropriate to specify the particulars that the application must contain in order to allow the competent customs authority to reach a decision with full knowledge of the facts; whereas it is necessary to provide for provisions intended to protect confidential information;

Whereas Article 8 of Regulation (EEC) No 1715/90 provides that binding tariff information must be notified to the applicant as soon as possible in writing, and specifies the particulars to be included;

Whereas it is desirable to prescribe the use of a form for the provision of binding tariff information and to adopt an appropriate specimen form; whereas the type of form to be used by the customs authority should be specified and a time limit set for replies;

Whereas Article 9 of Regulation (EEC) No 1715/90 provides that a copy of the notification of binding tariff information must be communicated to the Commission,

and that where a Member State so requests the Commission must inform it of notifications received concerning specific goods or groups of goods; whereas certain additional information is necessary for the management of the system, notably the indication of the keywords describing the goods; whereas it is therefore appropriate to provide that this additional information is also transmitted to the Commission;

Whereas it is appropriate to ensure that for the same goods Member States issue only binding tariff information with the same tariff classification; whereas for this purpose it is necessary to identify binding tariff information which appears to provide for different classification of the same goods; whereas it is appropriate to determine the correct classification of these goods and to amend binding tariff information where it does not conform to this classification; whereas to this end provision should be made for the rapid transmission of binding tariff information to the Commission and the Member States;

Whereas Article 13, Article 14 and Article 16 of Regulation (EEC) No 1715/90 lay down the cases where binding tariff information ceases to be valid as well as the cases where under certain conditions the holder can continue for a certain period of time to invoke binding tariff information which has ceased to be valid; whereas there is a need to adopt provisions whereby the holder of such binding tariff information can benefit from the possibility of invoking it although it is no longer valid;

Whereas Article 15 of Regulation (EEC) No 1715/90 provides that upon adoption of one of the Regulations or one of the tariff measures referred to in Article 13 or in Article 14 (1) (a), (b) or (c), Member States' administrations shall take the necessary steps to ensure that binding tariff information provided by the customs authorities is in conformity with the act or measure in question;

Whereas in the interest of clarity and efficiency it is desirable to set a date from which binding tariff information issued by the Member States' administrations must be in conformity with the measures in question; whereas the Commission should notify the Member States' administrations of the deadline as soon as possible;

Whereas Article 18 of Regulation (EEC) No 1715/90 provides that binding tariff information supplied nationally shall cease to be valid from 1 January 1997; whereas it would be appropriate to lay down a simple procedure for the conversion of such information into binding tariff information within the meaning of this Regulation, where the interested party so requests;

<sup>(1)</sup> OJ No L 160, 26. 6. 1990, p. 1.

Whereas the provisions of the Regulation are in conformity with the opinion of the Nomenclature Committee ;

HAS ADOPTED THIS REGULATION :

#### Article 1

1. This Regulation lays down provisions for the implementation of Regulation (EEC) No 1715/90, hereinafter referred to as the basic Regulation, with the exception of Articles 3 (2) and 4 (2).

2. For the purposes of this Regulations :

- (a) 'binding tariff information' means tariff information as defined in Article 3 (1) of the basic Regulation, provided by customs authorities ;
- (b) 'customs nomenclature' means nomenclatures of goods as defined in Article 1 (2) (a) of the basic Regulation ;
- (c) 'applicant' means a person, as defined in Article 1 (2) (b) of the basic Regulation, who has applied to the customs authority for binding tariff information ;
- (d) 'customs authority' means any authority responsible for applying customs legislation, as defined in Article 1 (2) (c) of the basic Regulation.

#### TITLE I

### PROVISIONS RELATING TO APPLICATIONS FOR BINDING TARIFF INFORMATION

#### Article 2

1. An application for binding tariff information shall refer to only one type of goods. It must be made in writing and must contain the following information :

- (a) the applicant's name and address ;
- (b) where the application is submitted by a natural or person acting on behalf of another person, the name and address of that other person ;
- (c) the customs nomenclature in which the goods are to be classified in accordance with Article 5 (3) of the basic Regulation ;
- (d) a detailed description of the goods enabling them to be identified and classified in the customs nomenclature ;
- (e) the composition of the goods and methods of analysis used to determine this, where the classification depends on it ;
- (f) indicate if any samples, photographs, plans, catalogues or other documents are available which may assist the customs authority in determining the correct classification of the goods in the customs nomenclature ;
- (g) any knowledge on the part of the applicant of the issue of earlier binding tariff information in the Community in respect of the same or like goods ;

(h) the agreement to supply a translation of any document in the official language (or one of the official languages) of the Member State concerned if requested by the customs authorities ;

- (i) whether any of the particulars supplied are to be treated as confidential ;
- (j) the classification envisaged by the applicant ;
- (k) acceptance that the information supplied may be stored on a database of the Commission of the European Communities and be used for the purposes of the basic Regulation.

2. Where the customs authority finds that the application does not contain all the particulars it requires to give an informed opinion, it shall ask the applicant to supply the missing information.

3. The list of customs authorities designated by the Member States to receive applications for binding tariff information furnished by Member States to the Commission shall be published in the C series of the *Official Journal of the European Communities*.

#### TITLE II

### COMMUNICATION OF BINDING TARIFF INFORMATION TO THE APPLICANT AND THE COMMISSION

#### Article 3

1. Binding tariff information must be communicated to the applicant in writing as soon as possible. If it has not been possible to communicate binding tariff information to the applicant within three months of acceptance of the application, the customs authority shall contact the applicant to explain the reason for the delay and indicate when it expects to be able to communicate the information.

2. Binding tariff information shall be notified by means of the form which is contained at page 1 of the Annex of this Regulation. The notification shall indicate what particulars are considered as having been supplied on a confidential basis.

#### Article 4

1. A copy of the binding tariff information communicated to the applicant as well as the details concerning the customs authority responsible for additional information, the reference of the binding tariff information, the language in which it is issued in addition to the key words describing the goods are to be transmitted in accordance with the form which is contained at pages 1 and 2 of the Annex of this Regulation without delay by the customs authority of the Member State to the Commission. These transmission shall be effected using electronic means as soon as possible.

2. Where a Member State so requests the Commission shall send it without delay a copy of the binding tariff information and other relevant information. Such transmission shall be effected using electronic means as soon as possible.

## TITLE III

## PROVISIONS APPLYING IN THE EVENT OF INCONSISTENCIES IN EXISTING BINDING TARIFF INFORMATION

*Article 5*

Where the Commission finds that different binding tariff information exists in respect of the same goods it shall consult the customs authorities of the Member States concerned and adopt, if necessary, a measure to ensure the uniform application of the customs nomenclature using the procedure provided for in Article 10 of Council Regulation (EEC) No 2658/87<sup>(1)</sup>.

## TITLE IV

## PROVISIONS APPLYING IN THE EVENT OF EXPIRY OF BINDING TARIFF INFORMATION

*Article 6*

1. When a holder of binding tariff information which has ceased to be valid for the reasons referred to in the first paragraph of Article 13 and Articles 14 (1) and (2) and 16 of the basic Regulation wishes to make use of the possibility of invoking such information during a certain period pursuant to the second paragraph of Article 13 (2), Article 14 (3) and the second paragraph of Article 16 of the basic Regulation, he is to notify the customs service providing, as necessary, the supporting documents to enable a check to be made that the conditions provided for in the basic Regulation have been satisfied.

2. In the exceptional case where the Commission, in accordance with the provisions of Article 14 (5) of the basic Regulation adopts a measure derogating from the provisions of paragraph 3 of the same Article or the conditions referred to at paragraph 1 concerning the possibility of continuing to invoke a binding tariff information have not been fulfilled the customs authority shall notify the holder in writing.

*Article 7*

1. For the purposes of implementing Article 15 of the basic Regulation the operative dates shall be:

- for the measures referred to in Article 13, first indent of the basic Regulation, the date from which the Regulations apply,
- for the measures referred to in Article 13, second indent of the basic Regulation, the date of their publication in the L series of the *Official Journal of the European Communities*,
- for the measures referred to in Article 14 (1) (a) of the basic Regulation, the date of their publication in the C series of the *Official Journal of the European Communities*,
- for the measures referred to in Article 14 (1) (b) of the basic Regulation, the date of their publication in the C series of the *Official Journal of the European Communities*,
- for the acts referred to in Article 14 (1) (c) of the basic Regulation, the date on which the Judgment was delivered.

2. The Commission shall notify the Member States' administrations as soon as possible of the date on which a measure or a judgment referred to in this Article is adopted.

## TITLE V

## FINAL PROVISIONS

*Article 8*

1. Binding tariff information supplied nationally before this Regulation is applied may be converted by the customs administrations at the interest party's request into binding tariff information within the meaning of the basic Regulation.

2. In that event Articles 3 and 4 of this Regulation shall apply.

*Article 9*

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

It shall apply from 1 January 1991, with the exception of Article 3(2) and Article 4, which shall apply from 1 March 1991.

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

Done at Brussels, 21 December 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.

1. Competent customs authority:	2. BTI reference:  [REDACTED]
3. Holder (name and address):  confidential	4. Date of start of validity:  [REDACTED]
<p><b>Important notice</b></p> <p>Without prejudice to the provisions of Articles 11 (3), 13, 14 and 16 of Council Regulation (EEC) No 1715/90, this BTI remains valid for six years as from the date of start of validity</p> <p>The information supplied will be stored on a database of the Commission of the European Communities for the purposes of the application of the abovementioned Regulation</p>	5. Date and reference of the application:  [REDACTED] [REDACTED]
	6. Classification of the goods in the customs nomenclature:  [REDACTED]  [REDACTED]
7. Description of the goods:	
8. Commercial denomination and additional information:	confidential
9. Justification of the classification of the goods:	
<p>10. This BTI has been issued on the basis of the following material provided by the applicant:</p> <p>Descriptions <input type="checkbox"/> Brochures <input type="checkbox"/> Photos <input type="checkbox"/> Samples <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Place: _____ Signature: _____ Stamp: _____</p> <p>Date: _____</p>	



**COMMISSION REGULATION (EEC) No 3797/90**  
**of 21 December 1990**

**on protective measures applicable to imports of certain semi-processed red  
fruits originating in Poland and Yugoslavia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 2201/90<sup>(2)</sup>, and in particular Article 18 (2) thereof.

Whereas Council Regulation (EEC) No 521/77 lays down detailed rules for applying protective measures in the market in products processed from fruit and vegetables<sup>(3)</sup>;

Whereas the marketing of frozen strawberries and raspberries and provisionally preserved strawberries and raspberries is characterized by competition from third countries at prices significantly below the prices at which Community products can be marketed; whereas imports in 1990 were significantly higher than the average for the last three years;

Whereas Commission Regulation (EEC) No 2198/90 of 27 July 1990 on protective measures applicable to imports of frozen strawberries, frozen raspberries, provisionally preserved strawberries and provisionally preserved raspberries originating in Poland<sup>(4)</sup> and Commission Regulation (EEC) No 2199/90 of 27 July 1990 on protective measures applicable to imports of frozen raspberries, and provisionally preserved raspberries originating in Yugoslavia<sup>(5)</sup> laid down a minimum import price for the products in question; whereas these prices apply until 31 December 1990;

Whereas supplies of the products in question in Poland and Yugoslavia are currently considerable; whereas from 1 January 1991, in the absence of an agreement with the exporting countries to comply with a free-at-frontier price for the remaining part of the current marketing year, large quantities would be imported into the Community at very low prices; whereas in these circumstances the Community market would be exposed to serious disturbances

which might endanger the objectives set out in Article 39 of the Treaty; whereas it is therefore necessary to maintain the requirement of a minimum import price during a certain period and to apply countervailing charges on products which do not respect that price;

Whereas the value of a product may vary considerably according to the different qualities of product marketed; whereas each quality may have its own price which differs considerably from the price of another quality; whereas, therefore, a minimum import price should be set taking account of these differences according to qualities and their corresponding prices; whereas, therefore, differentiated prices should be fixed for each quality class within a CN code;

Whereas the different quality classes for each product concerned should be defined, taking account of relevant commercial practice;

Whereas the level of the minimum prices should be set taking account of the prices fixed by CN code in the protective measure in force until 31 December 1990;

Whereas the conversion rate to be used for converting the minimum import price into national currencies should be set explicitly; whereas for this purpose the rate to be used for conversion into national currencies should be that laid down in Commission Regulation (EEC) No 2053/89<sup>(6)</sup> and No 2054/89<sup>(7)</sup> laying down detailed rules for the application of the minimum import price system for certain processed cherries and for dried grapes, as last amended by Regulation (EEC) No 3390/89<sup>(8)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. On import into the Community of:
  - frozen strawberries and raspberries originating in Poland, and
  - frozen raspberries and provisionally preserved raspberries originating in Yugoslavia,

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 201, 31. 7. 1990, p. 1.

<sup>(3)</sup> OJ No L 73, 21. 3. 1977, p. 28.

<sup>(4)</sup> OJ No L 198, 28. 7. 1990, p. 53.

<sup>(5)</sup> OJ No L 198, 28. 7. 1990, p. 55.

<sup>(6)</sup> OJ No L 195, 11. 7. 1989, p. 11.

<sup>(7)</sup> OJ No L 195, 11. 7. 1989, p. 14.

<sup>(8)</sup> OJ No L 326, 11. 11. 1989, p. 27.



the minimum import price shall be as set out below :

<i>(ECU/100 kg net)</i>		
CN code (a)	Description of goods	Minimum import price
0811 10 90	Frozen strawberries without added sugar	
ex 0811 10 90	Whole fruit	92
ex 0811 10 90	Other	65
0811 20 31	Frozen raspberries without added sugar	
ex 0811 20 31	Whole fruit	110
ex 0811 20 31	Other	58
0812 20 00	Provisionally preserved strawber- ries	45
0812 90 60	Provisionally preserved raspber- ries	50

(a) see Taric codes in Annex.

2. Where the import price is less than the minimum price set out in paragraph 1, a countervailing charge equivalent to the difference between those two prices shall be levied.

3. The minimum import price shall be converted into the national currency of the Member State of release for free circulation using the conversion rate referred to in Article 3a of Commission Regulation (EEC) No 3152/85<sup>(1)</sup> and applying on the date of acceptance of the declaration of release for free circulation.

4. The price set for the products indicated above as 'other' shall apply to products other than whole IQF frozen fruit of Class I or 'Extra' Class (strawberries) or 'Extra' Class (raspberries), certified by a Polish or Yugoslav quality control body and accompanied on release for free circulation by a certificate indicating the quality class.

Products not satisfying the abovementioned conditions shall be released for free circulation provided they comply with the minimum price for the 'whole fruit' category.

#### Article 2

1. The minimum import shall be respected when the import price expressed in the currency of the Member State of release for free circulation is not less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

2. The following factors shall constitute the import price :

- (a) the fob price in the country of origin ;
- (b) transport and insurance costs to the point of entry into the customs territory of the Community.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment including the cost of placing the consignment on board a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the costs of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the price to the seller shall be effected not later than three months after the day on which the entry for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the Member State of release for free circulation, the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the abovementioned Member State.

#### Article 3

1. The customs authorities shall, in respect of each consignment, at the time of completion of the customs import formalities for free circulation, compare the import price with the minimum import price.

2. The import price shall be declared on the declaration of release for free circulation and the declaration shall be accompanied by all the documents required to verify the price.

3. The competent authorities shall :

- (a) if the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated ;  
or
- (b) if the authorities are not satisfied that the price declared in the declaration reflects the actual import price ;  
or
- (c) if payment has not been effected within the time limit provided for in Article 2 (4) ;

take the necessary measures to determine the import price, in particular by reference to the importer's resale price.

#### Article 4

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contracts and correspondence concerning the purchase and sale of the products shall be kept available for examination by the customs authorities for a period of three years.

#### Article 5

This Regulation shall enter into force on 1 January 1991.

It shall apply until 31 March 1991.

<sup>(1)</sup> OJ No L 310, 21. 11. 1985, p. 1.

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

Done at Brussels, 21 December 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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*ANNEX*

**Taric codes**

<i>CN codes</i>	<i>Taric codes</i>
ex 0811 10 90	* 10
ex 0811 10 90	* 90
ex 0811 20 31	* 10
ex 0811 20 31	* 90

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## COMMISSION REGULATION (EEC) No 3798/90

of 21 December 1990

## imposing a provisional anti-dumping duty on imports of espadrilles originating in the People's Republic of China

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,<sup>(1)</sup> and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the abovementioned Regulation,

Whereas :

## A. PROCEDURE

- (1) In July 1989 a complaint was lodged in writing with the Commission by the French National Footwear Industry Federation, the Spanish Footwear Industry Federation and Etchandy Portugal (the sole Portuguese producer) on behalf of producers accounting for the bulk of Community production of espadrilles (beach slippers).

The complaint contained evidence of dumping and resultant injury which was considered sufficient to warrant the initiation of a proceeding.

The Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*,<sup>(2)</sup> the initiation of an anti-dumping proceeding concerning imports into the Community of beach slippers falling within CN codes ex 6404 19 90 or 6405 20 99, originating in the People's Republic of China,

- (2) The Commission officially notified the exporters and importers known to be concerned, the representatives of the exporting country and the complainants.

It requested the parties concerned to reply to the questionnaires which had been sent to them and gave them the opportunity to make known their views in writing and to request a hearing.

- (3) Most of the complainant Community producers replied to the questionnaires, made known their

views in writing and requested a hearing, which the Commission granted.

The complaint indicated that there might be small-scale production of beach slippers in Greece. Following discussions with the Hellenic Association of Footwear Manufacturers and Exporters, a questionnaire was sent to a Greek producer but no reply was received by the Commission from that producer nor from any other Greek producer. The view was accordingly taken that it was not possible to confirm the existence of any Greek production of the product in question.

- (4) Three Chinese exporters (the Zhejiang Arts and Crafts Import and Export Corporation, the Fujian Footwear and Headgear Corporation and the Shanghai Arts and Crafts Import and Export Corporation) replied to the questionnaires within the time prescribed. In addition, the principal organization in the People's Republic of China with responsibility for trade in footwear, the China Chamber of Commerce for Import and Export of Light Industrial Products and Arts-Crafts, hereinafter referred to as the 'Chinese Chamber of Commerce', made known in writing the views of Chinese exporters taken as a whole. That organization likewise sought a hearing and this was granted by the Commission.

It became apparent in the course of the investigation that the three Chinese exporters which cooperated accounted for approximately one quarter of the exports of beach slippers from the People's Republic of China to the Community and that no information was available regarding exports by other Chinese exporters.

Since the People's Republic of China is not a market economy country within the meaning of Article 2 (5) of Regulation (EEC) No 2423/88 and since the comments made by the Chinese exporters were submitted en bloc and not all the Chinese exporters were identified, the Commission took the view that, for the purposes of the proceeding, all the Chinese exports should be taken into account collectively.

- (5) The Commission sent questionnaires to the eighty importers listed in the complaint. It became clear that, firstly, eight of them had not imported beach slippers from the People's Republic of China, at least not during the reference period, and, secondly, eight others had changed their address and could not be contacted.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 314, 14. 12. 1989, p. 15.

In addition, five importers, of which the Commission was not aware when the proceeding commenced, made themselves known to the Commission within the period specified in the notice of initiation.

Of the sixty-nine importers thus contacted and who could have cooperated, only two sent the Commission complete replies to the questionnaires within the periods stipulated or granted.

Lastly, three importers' associations made their views known in writing and requested and were granted hearings.

- (6) As a result, in the case of those parties which failed to reply or which failed to make representations in any other way, findings were made, pursuant to Article 7 (7) (b) of Regulation (EEC) No 2423/88, on the basis of the facts available, that is to say, in this case, the information obtained from the complainant and the official statistics of the Community.
- (7) The Commission sought and verified all the information it considered necessary for a preliminary determination of dumping and resultant injury as regards those parties which agreed to cooperate. To that end, it carried out on-the-spot checks at the premises of the following :

(a) *Community producers*

- Berasategui, Hendaye, France
- Ets Callian, St Paul les Dax, France
- Ets Causseque, Monte-de-Marsan, France
- Ets Etchandy, Mauléon, France
- Manufacture Luzienne, Urrugne, France
- Pée Laborde, Aramits, France
- Ets Tauzin, Mauléon, France
- Calzados Puerta SA, Arnedo, Spain
- Dosega SA, Arnedo, Spain
- Etchandy Portugal, Covilha, Portugal (since the accounting documents relating to this producer had been transferred, for the purposes of the investigation, to the registered office of its parent company in France, the relevant checks were carried out at the same time as those that were carried out at the premises of the French producer in question, Ets Etchandy, Mauléon).

(b) *Community importers*

- Netter et Cie, Paris, France
- Moritz L. Chrambach GmbH & Co. Hamburg, Germany

- (8) The dumping investigation covered the period 1 January to 31 December 1988. This period was

selected because most of the producers and a number of the Community importers were small firms. The Commission accordingly considered that it was reasonable that the reference period should coincide with the last full accounting year, since the finalized and audited results for that year were the most recent available when the companies concerned were required to complete the questionnaires.

**B. THE PRODUCT IN QUESTION, LIKE PRODUCTS AND THE COMMUNITY INDUSTRY**

(a) *product in question*

- (9) The products which are the subject of the notice initiating the proceeding are beach slippers with plaited fibre soles, whether or not strengthened with rubber or plastics over a variable surface, falling within CN codes ex 6404 19 90 or ex 6405 20 99.

Beach slippers are classified within one or other of those two CN codes according to the respective percentage of rope or rubber (or plastics) which constitutes the surface of the outer sole in contact with the ground :

— up to 50 % rubber (or plastics) ; in this case the slippers fall within CN code ex 6405 20 99, hereinafter referred to as 'Type A' ;

— more than 50 % and up to 100 % rubber (or plastics) ; in this case the slippers fall within CN code ex 6404 19 90, hereinafter referred to as 'Type B'.

- (10) The investigation showed that these two CN codes, the purpose of which is to enable a distinction to be made when applying the customs tariff on the basis of the criterion indicated above, corresponded, in fact, to basically three types of slipper :

— those with a sole coated at three points, all belonging to Type A,

— those with a 'grid' sole, which can be either Type A or Type B,

— those with a fully coated sole, which all belong to Type B.

The investigation covered beach slippers of these three types with a sole of uniform thickness not exceeding 2,5 cm.

In so far as all these products have the same basic physical or technical characteristics and are used for the same purpose, the Commission took the view that all beach slippers constituted the product in question in this Regulation, irrespective of the amount of coating on the sole, on condition that the sole was of uniform thickness not exceeding 2,5 cm.

**(b) Like products**

- (11) With regard to the definition of like products, the Commission established that there were no significant physical differences between the slippers exported to the Community by the Chinese exporters and the corresponding products sold by Community producers.

In this regard, the argument put by the China Chamber of Commerce and by the Community importers' associations, that the beach slippers produced in China were not comparable from the standpoint of quality to those manufactured in the Community could not be accepted.

The Commission found that the differences claimed (essentially the quality of the fabric of the upper and the quality of the fibre used to manufacture the sole), firstly, were not discernible in every case and, secondly, where they could be discerned, were so minimal as not to affect the basic characteristics of the product or the purpose for which it is intended.

In addition, the Commission was able to confirm that the Chinese beach slippers were sold on an entirely competitive basis with Community slippers, as witnessed by the fact that in the majority of selling outlets Chinese products and Community products are sold together.

On these bases, the Commission took the view that, firstly, beach slippers produced in the Community, taken as a whole, and, secondly, beach slippers exported from the People's Republic of China to the Community, taken as a whole, are like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

**(c) Community industry**

- (12) The Commission found that the producers on whose behalf the complaint was lodged, which cooperated with the Commission and which manufactured beach slippers during the investigation period, accounted for the bulk of Community production of like products during that period.

As a result, the Commission took the view that they constitute the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

**C. DUMPING****(a) Normal value**

- (13) In order to establish that imports of beach slippers originating in the People's Republic of China were being dumped, the Commission was obliged to take into account the fact that China is not a market economy country and, accordingly, to base its calculations on the normal value of the product in question in a market economy country. To that end, the complainant had proposed a price which corresponded to an offer from a producer in Uruguay.

That proposal had been regarded as acceptable in the context of the complaint and in order to initiate the investigation but the said reference to an offer could not be regarded as adequate for the purposes of establishing the normal value.

- (14) The Commission accordingly carried out a survey of the various third country producers of beach slippers that might provide a suitable reference and found that :

- there had been some very small-scale production in Tunisia and in Israel, although no evidence was available as to whether it was continuing ;
- production had recently commenced in Bangladesh but it appeared to be too recent to provide a suitable reference for the purposes of this investigation ;
- there had been sizeable production of beach slippers in South America for almost a century. They were produced by SA Fábrica Uruguaya de Alpargatas, Montevideo, Uruguay and Industria Chilena de Alpargatas SA ('Inchal'), Santiago, Chile, which had agreed to cooperate with the Commission. A second Chilean producer had stated that it was unable to cooperate on practical grounds.

- (15) The Commission carried out investigations at the premises of the two abovementioned South American producers and found that :

- the Uruguayan producer was a fully integrated company, i.e. it manufactured the braid for the soles and the cotton fabric for the uppers itself, produced approximately 1,4 million pairs of beach slippers a year but did not vulcanize the soles (unlike the Chinese and Community producers). This producer's manufacturing process was efficient, modern and cost effective ;

— the Chilean producer which had agreed to cooperate with the Commission was a recently-established company and its production had not yet attained a level that enabled it to operate under economically optimum conditions. As a result, its costs and prices were higher than those of the Uruguayan producer. On the other hand, it possessed efficient plant with which it vulcanized the soles.

The Commission accordingly took the view that it was reasonable to establish the normal value on the basis of the information obtained and verified at the premises of the Uruguayan producer and to make a suitable adjustment to take account of the cost of vulcanization.

- (16) In establishing the normal value in Uruguay, the Commission took account of the fact that on the market of Uruguay imported beach slippers are subject to a system of 'reference prices' which are intended to protect the local industry from cheap imports.

In so far as that system might influence the domestic selling prices of the Uruguayan producer and since its exports to both North and South America were negligible compared with its total production, it appeared necessary to calculate the normal value on the basis of the constructed value of the like product in Uruguay. The constructed value was determined by adding the cost of production of the beach slippers and a reasonable margin of profit.

The cost of production was calculated by adding together all costs, both fixed and variable, relating to:

- materials,
- manufacture, in the country of origin, of medium-sized beach slippers (corresponding to ladies' sizes, which generally constitute most of the trade).

To those costs were added selling and administrative expenses and other overheads, which were determined by reference to the sales of beach slippers made by the Uruguayan producer on its domestic market during the investigation period. Those costs, unlike the profit margin, could not be influenced by the system of reference prices in force in Uruguay in regard to imported products.

- (17) For all calculations, the effects of inflation in Uruguay were neutralized by the system used by the company which consisted of drawing up accounts using 'ajustes para inflación operativa' fixed by the Uruguayan authorities.

- (18) The Commission took the view that the profit margin had to be sufficient to ensure a minimum return on sales at different marketing stages, including sales to wholesalers. The Commission took the view that a minimum return must mean a level of profit which:

- enabled the producer in question to make such investments as were essential to maintaining its plant at the high level of technical efficiency which they had already attained at the time of the on-the-spot investigation;
- ensured an acceptable return on the capital invested.

Under those conditions, the profit margin was established at 7 % of the constructed normal value.

- (19) With regard to quality, the Commission found that the beach slippers manufactured in Uruguay were generally stronger than the Chinese like product but, on the other hand, they were not always as elaborate (lack of inner soles, lack of embroidery, that were usually to be found in the case of the articles imported from China). In these circumstances the view was taken that there was a balance between the value attaching to the said characteristics and that, therefore, no upward or downward adjustment was warranted on account of differences in quality.

- (20) The costs of vulcanization were calculated from the information obtained during the investigation carried out at the premises of the Community producers and in the course of the investigation carried out in Chile. It appeared that the costs of the Chilean producer were the lowest. Therefore, the costs of that producer, limited to the cost of materials and production costs, established on the basis of a weighted average for the 'Type A' and 'Type B' beach slippers, plus the same 7 % profit margin, were added to the constructed value established in Uruguay.

- (21) The representatives of the China Chamber of Commerce and the importers' associations objected to the choice of reference country on the ground that the beach slippers originating in Uruguay were not exported to the Community. They suggested that Bangladesh should be used as the reference country and, to that end, proposed that the normal value be based on an offer and a purchase from that country, which took place in 1990.

The Commission considers that the argument put forward is not valid since the normal value must be as close as possible to prices prevailing in the reference country. Therefore, the fact that Uruguay did not export beach slippers to the Community is irrelevant.

With regard to Bangladesh, as stated at point 14 above, according to the information obtained by the Commission, its production is too recent to constitute a suitable reference within the context of this investigation.

- (22) As a result, the Commission concluded that it was appropriate and reasonable to establish the normal value on the basis of the constructed value in Uruguay, adjusted so as to take account of all the differences affecting price comparability and particularly with regard to the physical characteristics, adding the costs involved in vulcanizing the soles.

#### (b) Export prices

- (23) Export prices were established on the basis of the prices actually paid or payable for products exported to the Community.

In this regard, the Commission established that the prices indicated by the two importers which cooperated in the investigation could not be regarded, on their own, as significant because of the small quantities involved (only about 3 % of total imports).

The Commission accordingly considered that, in order to determine the export prices of the beach slippers, it was appropriate to calculate a weighted average of the prices payable as stated by the Chinese exporters (which made no distinction between the 'Type A' and the 'Type B' slippers) and the prices paid as indicated by the importers which cooperated in the investigation.

Although the volume of beach slippers thus taken into account represents only about 30 % of total imports, the said data was preferred to the figures shown in the official statistics of the Community in so far as the latter combine the data relating to beach slippers with that relating to other footwear which cannot be regarded as like products.

In addition, the Commission took the view that establishing a weighted average that was valid for both types of beach slipper was a suitable and reasonable method since most of the available data made no distinction between 'Type A' and 'Type B' slippers. As far as sizes were concerned, the invoices examined at the premises of the importers which cooperated showed that most of the trade was in medium-sized slippers and that the said data was, accordingly, compatible with that obtained in order to establish the normal value.

### D. COMPARISON

- (24) In its comparison of normal value and export prices, the Commission took account, in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88, of differences affecting price comparability.

The comparison was made at the ex-works stage on an overall basis for the whole of the reference period. The necessary adjustments were made:

- in the case of the normal value, on the basis of the data obtained in the course of the investigation in Uruguay relating, *inter alia*, to inland transport, the costs of insurance, handling and packaging, financing costs and selling expenses;
- in the case of the export prices, and in the absence of data from the Chinese exporters, on the basis of the data available relating, *inter alia*, to freight rates, insurance, handling, inland transport and packaging costs, financing costs and selling expenses.

### E. DUMPING MARGIN

- (25) The preliminary examination of the facts shows that exports of beach slippers effected by the Chinese exporters are being dumped. The dumping margin is equal to the difference between the normal value established for medium-sized beach slippers and the price on export to the Community, and amounts, on a weighted average basis, to 93,3 % of the free at frontier value at the Community frontier of imports of the product in question originating in the People's Republic of China, for the Chinese exporters taken as a whole.

### F. INJURY

#### (a) Volume and price of imports

##### (i) Volume of dumped imports

- (26) As indicated above (at points 9 and 23) there is no specific CN code for beach slippers (hence the 'ex' headings). Eurostats therefore aggregate beach slippers with other footwear and the resultant data must be qualified. With the assistance of the Member States, these statistics were rectified and it was possible to bring them more in line with the actual level of beach slipper imports. In addition,

the China Chamber of Commerce communicated to the Commission the Chinese export statistics with which it was possible to confirm, at least in part, the rectifications made.

- (27) On the basis of the raw data shown in the Eurostats, imports originating in the People's Republic of China more than doubled between 1985 and 1988 (rising from 29,25 million pairs in 1985 to 35,98 million pairs in 1986, 69,21 million pairs in 1987 and 68,83 million pairs in 1988).

The rectified Eurostats figures, which are available for 1986, 1987 and 1988 only, also show that imports from China increased substantially, but slightly less so, from 28,56 million pairs in 1986 to 59,27 million pairs in 1987 and 56,34 million pairs in 1988.

The latter figures are partially confirmed by the Chinese export statistics which show that Chinese deliveries rose from 21,89 million pairs in 1985 to 28,19 million pairs in 1986, 54,30 million pairs in 1987 and 36,85 million pairs in 1988.

The only significant discrepancy between the Chinese statistics and the rectified Eurostats figures relates to 1987 and 1988. The reason for this may lie in the interval between the shipments (in 1987) and the collection of data relating to imports into the Community (in 1988). However, this discrepancy does not call in question the general trend brought to light.

The Commission therefore considers that a reasonable estimate of the increase in volume of imports of beach slippers originating in the People's Republic of China is as follows:

- for the period 1985-88: approximately 70 % (on the basis of the statistics supplied by the Chinese Chamber of Commerce);
- for the period 1986-88: approximately 65 % (midway between the percentage resulting from the export figures of the People's Republic of China and that resulting from the rectified Eurostats figures).

In both cases the rate of increase is substantial.

(ii) *Volume of imports originating in other third countries*

- (28) Eurostats indicated that products falling within CN codes 6404 19 90 and 6405 20 99, originating in

other third countries, were imported into the Community between 1985 and 1988.

According to the information obtained by the Commission, the quantities in question do not generally relate to sales of beach slippers but mainly to supplies of other footwear (for example, slippers with rubber soles).

On this basis China can be considered as by far the major if not strictly speaking the sole third country supplying beach slippers to the Community. The Commission therefore felt that other third countries were responsible for such small quantities (as can be seen from French statistics which draw a distinction between 'beach slippers' and 'other footwear') that they can be disregarded.

The Commission therefore considered that a reasonable basis for calculating total sales of the product in question on the Community market was to add up Chinese imports and Community producers' sales.

(iii) *Market share of dumped imports*

- (29) On the basis indicated in the above paragraph, it transpires that the Chinese exporters' market share has risen substantially, from 64 % in 1985 to 84 % in 1988.

This increase of over 30 % in the Chinese exporters' market share between 1985 and 1988 must also be looked at in the light of the increase of over 50 % in Community consumption in the same period.

(iv) *Prices*

- (30) During the investigation it became clear that a distinction should be drawn between two types of beach slippers, sold on the Community market at very different prices:

- (a) the traditional or standard beach slipper (with an upper made of plain canvas or with simple woven or printed decorations such as coloured patterns or stripes), accounting for over 90 % of Community production and an even higher percentage of Community consumption;
- (b) a more elaborate product, hereafter called 'fancy beach slippers' (with an upper made of a special weave and/or made of a more special fabric than cotton canvas, which may also have decorations such as laces, elastic or inset or embroidered patterns) accounting for less than 10 % of Community production and an even smaller percentage of Community consumption.



Although the Chinese exporters' representatives admitted that they also supplied the Community market with fancy beach slippers, they said that the market share was minimal (which did not justify their being taken into account in calculating the margin of dumping, besides which the Chinese exporters had provided no precise information about them). The Commission therefore decided that for price comparison purposes, sales of fancy beach slippers by Community producers should be disregarded.

- (31) During the period 1985 to 1988 Chinese exporters taken overall reduced their selling prices by about 35 %.
- (32) To calculate the differences in selling prices in the Community between beach slippers from China and those produced in the Community, the Commission compared the average price of products imported from China (free at Community frontier, cleared through customs) and the weighted average price of standard beach slippers sold to wholesalers by Community producers. This method was deemed appropriate as Chinese exporters sell to importers who act as wholesalers on the market.

This comparison showed that the Community producers had been unable to follow the prices set by the Chinese exporters since price undercutting during the reference period had reached 181 %.

**(b) Other economic factors to be considered**

*(i) Production*

- (33) The Commission found that Community production of beach slippers had developed as follows: using the index 1985 = 100 as a basis, production reached 94 in 1986, 103 in 1987 and 67 in 1988. These figures, based solely on the production figures of those beach slipper manufacturers still in business at the time of the investigation, reveal:
- a temporary improvement in production in 1987, owing to an increase in demand, followed by a major drop in 1988;
  - a drop of about 30 % between 1985 and 1988.

*(ii) Capacity utilization*

- (34) The complaint indicated that the concept of production capacity could not be applied to the sector in question. During on-the-spot checks of

Community producers it emerged, however, that capacities could be reasonably established.

- (35) Overall, Community producers still in business at the time of the investigation, slightly increased their production capacity between 1985 and 1988, because of improvements in installations or, in a few cases, because of purchasing machines from other Community producers who had shut down.

Calculated on the basis of the capacity actually available each year from 1985-88, Community producers' rate of capacity utilization fell steadily between 1985 and 1988, from 71 % in 1985 to 64 % in 1986, 67 % in 1987 and 43 % in 1988.

*(iii) Stocks*

- (36) As beach slippers are seasonal products, generally sold to wholesalers and retailers at the beginning of the year, the Commission saw nothing unusual in stocks being generally high at the end of each accounting year and felt that the size of these stocks should therefore not be taken into consideration.

*(iv) Sales*

- (37) Community producers' sales on the Community market were as follows: using the index 1985 = 100 as a basis, sales went from 98 in 1986 to 105 in 1987 and 72 in 1988. This trend (a fall of 28 % between 1985 and 1988) concerns only those manufacturers still in business at the time of the investigation. The overall loss would therefore be both greater and steadier (40 % between 1985 and 1988) if the sales of producers who went out of business during the period 1985-88 were also taken into consideration.

*(v) Market share*

- (38) Calculated on the same basis as for China, Community producers' market share fell from 36 % to 29 % in 1986, 17 % in 1987 and 16 % during the reference period, while the volume of transactions in the Community rose between 1984 and 1988.

*(vi) Prices*

- (39) Having seen their market share fall steadily between 1985 and 1988, Community producers gave up trying to match the prices charged by the Chinese exporters in order to avoid suffering irreversible financial losses.

They did, however, try to make standard beach slippers more attractive (for example by developing new fabrics). As a result of these efforts, they managed to maintain or slightly increase their prices during the period 1985-88.

- (40) Using the index 1985 = 100 as a basis, the price of standard beach slippers was 106 in 1986, 102 in 1987 and 106 in 1988. This increase was very moderate considering the rise in the price of raw materials during the same period.

(vii) *Profits*

- (41) The Commission found that the financial results achieved by Community industry, which overall showed a very slight profit between 1985 and 1987, had seriously deteriorated in 1988, a year in which the sector suffered losses. These losses were caused by the major drop in sales sustained during the reference period.

(viii) *Activity and employment*

- (42) The complaint referred to the closure of several firms and claimed that these shut-downs were a source of injury.
- (43) With regard to the employment situation of producers still in business at the time of the investigation, the Commission found that the staff they employed had been cut by over 20 % during the period 1985-88, and they had also been obliged to introduce occasional short-time working.

The Commission is of the opinion that even if some of these staff cuts are linked with improved productivity, they are to a large extent due to the fall in production and sales.

(c) **Conclusion**

- (44) On the basis of the information examined the Commission is of the opinion that the Community industry is in a very bad state, mainly because of the considerable drop in production and in the rate of capacity utilization and the significant reduction in the volume of sales and market share.

Although it has managed to maintain its price levels, the Community industry has suffered losses and is therefore sustaining major injury.

**G. CAUSAL LINK BETWEEN THE INJURY AND THE DUMPED IMPORTS**

- (45) The Commission examined the extent to which the injury to the Community industry had been caused by the effects of dumping. It emerged that the drop in the Community industry's market shares and profit margins had coincided with the increase in the volume of imports of beach slippers from China. Since prices are an important factor in sales of these products, the considerable price undercutting by the Chinese products had a direct effect on the Community industry's volume of sales.

- (46) With regard to the closures referred to at point 42, the Commission considers that shut-downs which took place between 1985 and 1988 are not strictly speaking linked with the market situation created by imports of Chinese beach slippers. Although information available is incomplete it appears that an equally significant factor in the closures was the restructuring and modernization of the sector in the 1980s.

The Commission is, however, of the opinion that the job losses incurred by producers who remained in business were due, at least partially, to the drop in their sales, which itself can be attributed to massive imports of Chinese beach slippers sold at dumped prices.

- (47) Only the Chinese exporters gained by the increase in consumption seen in the Community from 1985 to 1988 because of the prices at which they sold their beach slippers. At the same time Community producers' sales volume and market share diminished which meant that they were not only prevented from taking advantage of the expansion of the market but they also lost market shares that they had held for several years.
- (48) Imports of beach slippers from other third countries are unlikely to be responsible for the injury sustained by the Community industry as the volume of imports is marginal, of no comparison with the quantities exported by China, and has virtually no effect on the market.

- (49) The Chinese Chamber of Commerce and Community importers' associations claimed that another cause of injury lay in the competition exerted by certain substitute products, sales of which rose during the period 1985-88.

In this connection the Commission would point out that the consumption of beach slippers not only did not drop but on the contrary increased in the period 1985-88.

In these circumstances the Commission cannot reasonably accept the argument whereby the increase in sales of other footwear, possible substitutes for beach slippers, but not like products, had caused injury to the Community beach slipper industry.

In any event, the Commission considers that even if part of the injury suffered by the Community industry could be attributed to substitute products, the dumping found would still be responsible for injury, which is itself considerable.

(50) No likely cause of the injury, other than the dumped imports, has been put forward.

(51) The Commission therefore concludes that the serious injury sustained by the Community industry was caused by dumped imports of beach slippers originating in the People's Republic of China.

#### H. COMMUNITY INTEREST

(52) The purpose of anti-dumping duties is, in general, to stop distortion of competition arising from unfair commercial practices and thus to re-establish open and fair competition on the Community market, which is fundamentally in the general Community interest.

With regard to this proceeding, the Commission considers that without measures to correct the effects of dumped Chinese imports, those firms still producing beach slippers may be forced to shut down completely. It is worth underlining that the firms in question are generally sound and competitive following a decade of radical restructuring and modernization.

The Commission feels that it would not be in the Community's interest to abandon a structurally sound industry at a time when, faced by unfair competition, it is sustaining serious injury which is jeopardizing its short-term viability.

(53) The importers' associations put forward two main arguments with regard to Community interest.

The first was that maintaining a source of low-priced supplies was in the consumers' interest.

The strength of this argument is called in to question by the Commission's findings according to which the benefits of low-priced imports were not necessarily passed on to the final consumers but often went no further than the traders themselves.

It should also be borne in mind that the recent price advantages that consumers have occasionally enjoyed are the result of unfair commercial practices and there is no justification for allowing them to continue.

The price of Chinese beach slippers has fallen dramatically over the last few years and the slight increase brought about by anti-dumping measures will at most bring prices up to their previous level. In any event, Chinese products will remain a lot cheaper than those produced in the Community and they will not be prevented access to the Community market.

The measures in question will not, therefore, prevent imports from playing their beneficial role for consumers. On the contrary such measures should result in increased production and capacity utilization by the Community industry which, as a result of lower costs, will be able to limit its price increases or even reduce its selling prices.

(54) The second argument put forward by the importers was that Community producers did not have the capacity to satisfy market demand.

The Commission would point out that this capacity was reduced, at least in part, because of unfair imports.

This capacity can therefore be boosted if distortions of competition caused by unfair commercial practices are eliminated.

(55) In assessing Community interest, the Commission also took account of the fact that beach slippers originating in China are subject to regional quantitative limits. The Commission considered that neither Community law nor international rules prevented the imposition of anti-dumping duties where regional quantitative limits existed, provided that it was established that injury had been caused despite these restrictions.

The Commission noted that the quantitative limits in question, which concerned the French, Spanish and United Kingdom markets, had had a limited effect and had made no impact on prices, nor had any effect on unfair commercial practices in the rest of the Community, which is a major market for the products in question.

- (56) In the light of the above, the Commission concluded that it was in the Community interest to adopt measures to eliminate the injury caused to Community production by imports of beach slippers originating in the People's Republic of China.

In order to prevent further injury being caused before the end of the proceeding, the measures should take the form of a provisional anti-dumping duty.

#### I. PROVISIONAL DUTY

##### (a) Level of duty

- (57) In order to determine the level of the provisional duty the Commission took account of the margin of dumping and the amount of duty needed to eliminate the injury.

To this end it compared the weighted average selling price of Chinese beach slippers during the reference period (on a free-at-Community frontier basis, plus customs duties and clearance charges) with the average weighted production cost of standard beach slippers produced during the same period by Community manufacturers which had been the subject of on-the-spot checks, plus a reasonable profit margin.

7 % of the target price thus established was considered a reasonable profit margin, which appeared to be the minimum needed to allow a beach slipper producer to keep his plant working in acceptable technical conditions and give him a rate of return on invested capital close to that generally required in the sector in question.

On this basis the Commission found a considerable price difference. Expressed as a percentage of the free-at-Community frontier price, not cleared through customs, this price difference amounted to 221 %.

It therefore transpires that the margin of dumping established, also expressed as a percentage of the free-at-Community-frontier price, not cleared through customs, is much lower than the percentage needed to eliminate the injury.

The anti-dumping duty to be imposed should therefore correspond to the margin of dumping established.

##### (b) Form of duty

- (58) In the light of the economic structure of the exporters and price variations for very similar models, the Commission considers that the duty should take the form of a variable duty equal to the difference between price per pair net, free at Community frontier, not cleared through customs, and a floor price established on the basis of the normal value, which had originally been set for average sizes. However, in order to avoid:

- creating a disadvantage for smaller sizes,
- imposing complicated calculations on importers and the authorities in charge of control and recovery,

this normal value was lowered to the level of the smallest sizes, namely ECU 1,15 per pair, free at Community frontier, not cleared through customs. This minimum price of ECU 1,15 will therefore constitute the basis for calculating the variable duty and will apply to all sizes.

#### J. FINAL PROVISIONS

- (59) In the interests of proper management, a reasonable period should be fixed within which concerned parties may make known their views in writing and request a hearing from the Commission,

HAS ADOPTED THIS REGULATION:

##### *Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of espadrilles (beach slippers) originating in the People's Republic of China falling within CN codes ex 6404 19 90 (Taric code 6404 19 90 \* 10) and ex 6405 20 99 (Taric code 6405 20 99 \* 10).
2. The amount of the duty shall be equal to the difference between the sum of ECU 1,15 per pair and the price per pair net, free at Community frontier, not cleared through customs.

The free-at-Community-frontier price shall be net if the effective conditions of payment are such that payment is made in the 30 days following the date of arrival of the goods in the customs territory of the Community. It shall be reduced by 1 % for each extra month's delay in payment.

3. For the purposes of this Regulation footwear with plaited fibre soles, whether or not strengthened with rubber or plastics over a variable surface, with a sole of uniform thickness not exceeding 2,5 cm, shall be considered as beach slippers.

4. The provisions in force with regard to customs duties shall apply.

5. The release for free circulation in the Community of the goods mentioned in paragraph 1 shall be conditional on the deposit of a security equivalent to the amount of the provisional duty.

#### *Article 2*

Without prejudice to Article 7 (4) (b) of Regulation (EEC) No 2423/88, concerned parties may make known their

point of view in writing and request a hearing from the Commission within one month of this Regulation entering into force.

#### *Article 3*

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for four months unless the Council adopts definitive measures before the expiry of this period.

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

Done at Brussels, 21 December 1990.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

**COMMISSION REGULATION (EEC) No 3799/90**  
of 21 December 1990

**re-establishing the levying of the customs duties applicable to the products of category No 27 (order No 40.0270) originating in India, to which the preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries<sup>(1)</sup>, and in particular Article 12 thereof,

Whereas pursuant to Article 10 of Regulation (EEC) No 3897/89, preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of the products of category No 27 (order No 40.0270) originating in India, the relevant ceiling amounts to 248 000 pieces; whereas that ceiling was reached on 27 August 1990 by charges of imports into the Community of the products in question originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 31 December 1990 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3897/89, shall be re-established on imports into the Community of the following products, originating in India:

Order No	Category (unit)	CN code	Description
40.0270	27 (1 000 pieces)	6104 51 00	Women's or girls' skirts, including divided skirts
		6104 52 00	
		6104 53 00	
		6104 59 00	
		6204 51 00	
		6204 52 00	
		6204 53 00	
		6204 59 10	

*Article 2*

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

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

Done at Brussels, 21 December 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 383, 30. 12. 1989, p. 45.

## COMMISSION REGULATION (EEC) No 3800/90

of 27 December 1990

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil 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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 3499/90<sup>(2)</sup>, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria<sup>(3)</sup>, as last amended by Regulation (EEC) No 4014/88<sup>(4)</sup>, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco<sup>(5)</sup>, as last amended by Regulation (EEC) No 4015/88<sup>(6)</sup>, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia<sup>(7)</sup>, as last amended by Regulation (EEC) No 413/86<sup>(8)</sup>, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey<sup>(9)</sup>, as last amended by Regulation (EEC) No 4016/88<sup>(10)</sup>, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon<sup>(11)</sup>;Whereas by Regulation (EEC) No 3131/78<sup>(12)</sup>, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.<sup>(2)</sup> OJ No L 338, 5. 12. 1990, p. 1.<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.<sup>(4)</sup> OJ No L 358, 27. 12. 1988, p. 1.<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.<sup>(6)</sup> OJ No L 358, 27. 12. 1988, p. 2.<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.<sup>(10)</sup> OJ No L 358, 27. 12. 1988, p. 3.<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(13)</sup> specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 24 and 25 December 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum levies on olive oil imports are fixed in Annex I.

*Article 2*

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

*Article 3*

This Regulation shall enter into force on 28 December 1990.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

## Minimum import levies on olive oil

*(ECU/100 kg)*

CN code	Non-member countries
1509 10 10	77,00 <sup>(1)</sup>
1509 10 90	77,00 <sup>(1)</sup>
1509 90 00	89,00 <sup>(2)</sup>
1510 00 10	77,00 <sup>(1)</sup>
1510 00 90	122,00 <sup>(3)</sup>

<sup>(1)</sup> For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

<sup>(2)</sup> For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

<sup>(3)</sup> For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

## ANNEX II

## Import levies on other olive oil sector products

*(ECU/100 kg)*

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

**COMMISSION REGULATION (EEC) No 3801/90**  
**of 27 December 1990**  
**fixing the export refunds on pigmeat**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1249/89<sup>(2)</sup>, and in particular the first sentence of Article 15 (5) thereof,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds<sup>(3)</sup>, and in particular Article 5 (1) thereof,

Whereas Article 15 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of pigs falling within CN codes 0103 91 10 and 0103 92 19 and certain products falling within CN code 0203; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within CN codes 0210 19 51 and 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on

the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 91 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 4 of Regulation (EEC) No 2768/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

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*

The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1991.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 129, 11. 5. 1989, p. 12.

<sup>(3)</sup> OJ No L 282, 1. 11. 1975, p. 39.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 27 December 1990 fixing the export refunds on pigmeat

*(ECU/100 kg net weight)*

Product code	Destination of refund (1)	Amount of refund
0103 91 10 000	01	20,00
0103 92 19 000	01	20,00
0203 11 10 000	01	30,00
0203 12 11 000	01	30,00
0203 12 19 000	01	30,00
0203 19 11 000	01	30,00
0203 19 13 000	01	30,00
0203 19 15 000	01	20,00
0203 19 55 120	01	30,00
0203 19 55 190	01	30,00
0203 19 55 310	01	20,00
0203 19 55 390	01	20,00
0203 19 55 900	01	—
0203 21 10 000	01	30,00
0203 22 11 000	01	30,00
0203 22 19 000	01	30,00
0203 29 11 000	01	30,00
0203 29 13 000	01	30,00
0203 29 15 000	01	20,00
0203 29 55 120	01	30,00
0203 29 55 190	01	30,00
0203 29 55 310	01	20,00
0203 29 55 390	01	20,00
0203 29 55 900	01	—
0210 11 11 000	01	30,00
0210 11 31 100	01	70,00
0210 11 31 900	01	52,00
0210 12 11 000	01	20,00
0210 12 19 000	01	35,00
0210 19 40 000	01	30,00
0210 19 51 100	01	30,00

*(ECU/100 kg net weight)*

Product code	Destination of refund (!)	Amount of refund
0210 19 51 300	01	20,00
0210 19 51 900	01	—
0210 19 81 100	01	70,00
0210 19 81 300	01	52,00
0210 19 81 900	01	—
1601 00 10 100	01	35,00
1601 00 10 900	01	—
1601 00 91 100	01	58,00
1601 00 91 900	01	—
1601 00 99 100	01	40,00
1601 00 99 900	01	—
1602 10 00 000	01	16,00
1602 20 90 100	01	30,00
1602 20 90 900	01	—
1602 41 10 100	01	30,00
1602 41 10 210	01	57,00
1602 41 10 290	01	26,00
1602 41 10 900	01	—
1602 42 10 100	01	30,00
1602 42 10 210	01	51,00
1602 42 10 290	01	26,00
1602 42 10 900	01	—
1602 49 11 110	01	30,00
1602 49 11 190	01	57,00
1602 49 11 900	01	—
1602 49 13 110	01	30,00
1602 49 13 190	01	51,00
1602 49 13 900	01	—
1602 49 15 110	01	30,00
1602 49 15 190	01	51,00
1602 49 15 900	01	—
1602 49 19 110	01	20,00
1602 49 19 190	01	36,00
1602 49 19 900	01	—
1602 49 30 100	01	26,00
1602 49 30 900	01	—
1602 49 50 100	01	16,00
1602 49 50 900	01	—
1602 90 10 100	01	28,00
1602 90 10 900	01	—
1902 20 30 100	01	16,00
1902 20 30 900	01	—

(<sup>1</sup>) The destinations are as follows:

- 01 All destinations,
- 02 The United States of America and Canada,
- 03 All destinations except the United States of America and Canada,
- 04 The United States of America, Canada and Australia,
- 05 All destinations except the United States of America, Canada and Australia.

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

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## COMMISSION REGULATION (EEC) No 3802/90

of 27 December 1990

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods<sup>(3)</sup>, as last amended by Regulation (EEC) No 2903/89<sup>(4)</sup>, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for oils falling within subheading 1509 90 00 of the combined nomenclature; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas Council Regulation (EEC) No 3416/90<sup>(5)</sup> set the rates of consumption aid applicable in Spain and Portugal;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the months of January and February 1991, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- ECU 110,90 per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Spain and Portugal,
- ECU 52,44 per 100 kilograms for olive oil other than that referred to in the preceding indent, utilized in the Member States other than Spain and Portugal,
- ECU 68,52 per 100 kilograms for olive oil produced in the Community and utilized in Spain,
- ECU 27,31 per 100 kilograms for olive oil, other than that referred to in the preceding indent, utilized in Spain,
- ECU 102,28 per 100 kilograms for olive oil produced in the Community and utilized in Portugal,
- ECU 56,28 per 100 kilograms for olive oil, other than that referred to in the preceding indent, utilized in Portugal.

*Article 2*

This Regulation shall enter into force on 1 January 1991.

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

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 78, 30. 3. 1979, p. 2.

<sup>(4)</sup> OJ No L 280, 29. 9. 1989, p. 3.

<sup>(5)</sup> OJ No L 330, 29. 11. 1990, p. 6.

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

Done at Brussels, 27 December 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 3803/90**  
**of 27 December 1990**  
**fixing the import levies on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 3641/90 <sup>(2)</sup>, and in particular Article 14 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EEC) No 3116/90 <sup>(4)</sup>;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1990/1991 milk year by Council Regulation (EEC) No 1182/90 <sup>(5)</sup>;

Whereas the threshold price fixed by the Council is to be reduced by Commission Regulation (EEC) No 1552/90 of 8 June 1990 determining the reduced ecu values of milk sector prices and amounts consequent on the monetary realignment of 5 January 1990 <sup>(6)</sup>;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multi-

plying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 <sup>(7)</sup>, as last amended by Regulation (EEC) No 1502/90 <sup>(8)</sup>;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14(3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Commission Regulation (EEC) No 1073/68 <sup>(9)</sup>, as amended by Regulation (EEC) No 222/88 <sup>(10)</sup>, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 362, 27. 12. 1990, p. 5.

<sup>(3)</sup> OJ No L 329, 24. 12. 1979, p. 1.

<sup>(4)</sup> OJ No L 303, 31. 10. 1990, p. 1.

<sup>(5)</sup> OJ No L 119, 11. 5. 1990, p. 26.

<sup>(6)</sup> OJ No L 146, 9. 6. 1990, p. 14.

<sup>(7)</sup> OJ No L 196, 5. 7. 1982, p. 1.

<sup>(8)</sup> OJ No L 141, 2. 6. 1990, p. 5.

<sup>(9)</sup> OJ No L 180, 26. 7. 1968, p. 25.

<sup>(10)</sup> OJ No L 28, 1. 2. 1988, p. 1.

Whereas Commission Regulation (EEC) No 788/86<sup>(1)</sup>, as last amended by Regulation (EEC) No 1525/90<sup>(2)</sup>, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas

they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose<sup>(3)</sup>, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas Council Regulation (EEC) No 715/90<sup>(4)</sup> lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(6)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

#### Article 1

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

#### Article 2

This Regulation shall enter into force on 1 January 1991.

<sup>(1)</sup> OJ No L 74, 19. 3. 1986, p. 20.

<sup>(2)</sup> OJ No L 144, 7. 6. 1990, p. 15.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(4)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 27 December 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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## ANNEX

## to the Commission Regulation of 27 December 1990 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		19,32
0401 10 90		18,11
0401 20 11		26,48
0401 20 19		25,27
0401 20 91		32,04
0401 20 99		30,83
0401 30 11		81,79
0401 30 19		80,58
0401 30 31		156,77
0401 30 39		155,56
0401 30 91		262,34
0401 30 99		261,13
0402 10 11	(*)	140,17
0402 10 19	(*)	132,92
0402 10 91	(1)(*)	1,3292/kg + 29,75
0402 10 99	(1)(*)	1,3292/kg + 22,50
0402 21 11	(*)	205,53
0402 21 17	(*)	198,28
0402 21 19	(*)	198,28
0402 21 91	(*)	240,11
0402 21 99	(*)	232,86
0402 29 11	(1)(3)(*)	1,9828/kg + 29,75
0402 29 15	(1)(*)	1,9828/kg + 29,75
0402 29 19	(1)(*)	1,9828/kg + 22,50
0402 29 91	(1)(*)	2,3286/kg + 29,75
0402 29 99	(1)(*)	2,3286/kg + 22,50
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	156,77
0402 91 59	(*)	155,56
0402 91 91	(*)	262,34
0402 91 99	(*)	261,13
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(1)(*)	1,5314/kg + 26,13
0402 99 39	(1)(*)	1,5314/kg + 24,92
0402 99 91	(1)(*)	2,5871/kg + 26,13
0402 99 99	(1)(*)	2,5871/kg + 24,92
0403 10 02		140,17
0403 10 04		205,53

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

CN code	Note	Import levy
0403 10 06		240,11
0403 10 12	( <sup>1</sup> )	1,3292/kg + 29,75
0403 10 14	( <sup>1</sup> )	1,9828/kg + 29,75
0403 10 16	( <sup>1</sup> )	2,3286/kg + 29,75
0403 10 22		28,89
0403 10 24		34,45
0403 10 26		84,20
0403 10 32	( <sup>1</sup> )	0,2285/kg + 28,54
0403 10 34	( <sup>1</sup> )	0,2841/kg + 28,54
0403 10 36	( <sup>1</sup> )	0,7816/kg + 28,54
0403 90 11		140,17
0403 90 13		205,53
0403 90 19		240,11
0403 90 31	( <sup>1</sup> )	1,3292/kg + 29,75
0403 90 33	( <sup>1</sup> )	1,9828/kg/kg + 29,75
0403 90 39	( <sup>1</sup> )	2,3286/kg + 29,75
0403 90 51		28,89
0403 90 53		34,45
0403 90 59		84,20
0403 90 61	( <sup>1</sup> )	0,2285/kg + 28,54
0403 90 63	( <sup>1</sup> )	0,2841/kg + 28,54
0403 90 69	( <sup>1</sup> )	0,7816/kg + 28,54
0404 10 11		30,94
0404 10 19	( <sup>1</sup> )	0,3094/kg + 22,50
0404 10 91	( <sup>2</sup> )	0,3094/kg
0404 10 99	( <sup>2</sup> )	0,3094/kg + 22,50
0404 90 11		140,17
0404 90 13		205,53
0404 90 19		240,11
0404 90 31		140,17
0404 90 33		205,53
0404 90 39		240,11
0404 90 51	( <sup>1</sup> )	1,3292/kg + 29,75
0404 90 53	( <sup>1</sup> )( <sup>2</sup> )	1,9828/kg + 29,75
0404 90 59	( <sup>1</sup> )	2,3286/kg + 29,75
0404 90 91	( <sup>1</sup> )	1,3292/kg + 29,75
0404 90 93	( <sup>1</sup> )( <sup>2</sup> )	1,9828/kg + 29,75
0404 90 99	( <sup>1</sup> )	2,3286/kg + 29,75
0405 00 10		270,79
0405 00 90		330,36
0406 10 10	( <sup>3</sup> )	238,55
0406 10 90	( <sup>3</sup> )	286,53
0406 20 10	( <sup>3</sup> )( <sup>4</sup> )	410,77
0406 20 90	( <sup>3</sup> )	410,77
0406 30 10	( <sup>3</sup> )( <sup>4</sup> )	190,97
0406 30 31	( <sup>3</sup> )( <sup>4</sup> )	177,48
0406 30 39	( <sup>3</sup> )( <sup>4</sup> )	190,97
0406 30 90	( <sup>3</sup> )( <sup>4</sup> )	287,69

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

CN code	Note	Import levy
0406 40 00	(3) (*)	148,14
0406 90 11	(3) (*)	241,77
0406 90 13	(3) (*)	196,74
0406 90 15	(3) (*)	196,74
0406 90 17	(3) (*)	196,74
0406 90 19	(3) (*)	410,77
0406 90 21	(3) (*)	241,77
0406 90 23	(3) (*)	189,81
0406 90 25	(3) (*)	189,81
0406 90 27	(3) (*)	189,81
0406 90 29	(3) (*)	189,81
0406 90 31	(3) (*)	189,81
0406 90 33	(*)	189,81
0406 90 35	(3) (*)	189,81
0406 90 37	(3) (*)	189,81
0406 90 39	(3) (*)	189,81
0406 90 50	(3) (*)	189,81
0406 90 61	(*)	410,77
0406 90 63	(*)	410,77
0406 90 69	(*)	410,77
0406 90 71	(*)	238,55
0406 90 73	(*)	189,81
0406 90 75	(*)	189,81
0406 90 77	(*)	189,81
0406 90 79	(*)	189,81
0406 90 81	(*)	189,81
0406 90 83	(*)	189,81
0406 90 85	(*)	189,81
0406 90 89	(3) (*)	189,81
0406 90 91	(*)	238,55
0406 90 93	(*)	238,55
0406 90 97	(*)	286,53
0406 90 99	(*)	286,53
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		102,11
2309 10 19		132,68
2309 10 39		124,34
2309 10 59		102,63
2309 10 70		132,68
2309 90 35		102,11
2309 90 39		132,68
2309 90 49		124,34
2309 90 59		102,63
2309 90 70		132,68

- 
- (1) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
  - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
  - (b) the other amount indicated.
- (3) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
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**COMMISSION REGULATION (EEC) No 3804/90**  
**of 27 December 1990**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fixing 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3641/90 <sup>(2)</sup>, and in particular Article 17 <sup>(4)</sup> thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EEC) No 1344/86 <sup>(4)</sup>, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products <sup>(5)</sup>, as last amended by Regulation (EEC) No 2767/90 <sup>(6)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 362, 27. 12. 1990, p. 5.

<sup>(3)</sup> OJ No L 155, 3. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 119, 8. 5. 1986, p. 36.

<sup>(5)</sup> OJ No L 184, 29. 7. 1968, p. 10.

<sup>(6)</sup> OJ No L 267, 29. 9. 1990, p. 14.



Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended

for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84<sup>(5)</sup>, as last amended by Regulation (EEC) No 222/88<sup>(6)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

*Article 2*

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 91, 1. 4. 1984, p. 71.

<sup>(6)</sup> OJ No L 28, 1. 2. 1988, p. 1.

## ANNEX

## to the Commission Regulation of 27 December 1990 fixing the export refunds on milk and milk products

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		70,00
0402 10 19 000		70,00
0402 10 91 000		0,7000
0402 10 99 000		0,7000
0402 21 11 200		70,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		115,00
0402 21 17 000		70,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		115,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0402 29 15 200		0,7000
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,7000
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		70,00
0403 90 13 200		70,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,7000
0403 90 33 200		0,7000
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		1,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		70,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		70,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		70,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		70,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,7000
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,7000
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,7000
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,7000
0404 90 93 130		0,9972
0404 90 93 150		1,0600

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		132,32
0405 00 10 300		166,46
0405 00 10 500		170,73
0405 00 10 700		175,00
0405 00 90 100		175,00
0405 00 90 900		220,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	***	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	***	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	***	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	***	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	***	22,83

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
...	48,68	

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68



*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
...	159,34	
0406 90 15 900		—

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
...	151,68	
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
	0406 90 89 959	028
032		—
036		—
038		—
400		130,00
404		—
...		130,00



*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		21,00
2309 10 70 200		28,00
2309 10 70 300		35,00
2309 10 70 500		42,00
2309 10 70 600		49,00
2309 10 70 700		56,00
2309 10 70 800		61,60
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		21,00
2309 90 70 200		28,00
2309 90 70 300		35,00
2309 90 70 500		42,00
2309 90 70 600		49,00
2309 90 70 700		56,00
2309 90 70 800		61,60
2309 90 70 900		—

(<sup>1</sup>) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 420/90 (OJ No L 44, 20. 2. 1990, p. 15).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by "".

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

**COMMISSION REGULATION (EEC) No 3805/90**  
**of 27 December 1990**  
**altering the export refunds on 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90 <sup>(2)</sup>, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on malt were fixed by Commission Regulation (EEC) No 3450/90 <sup>(3)</sup>;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice <sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(5)</sup>, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EEC) No

3450/90 to the information at present available to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2744/75, as fixed in the Annex to Regulation (EEC) No 3450/90 are hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 December 1990.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 333, 30. 11. 1990, p. 57.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

## ANNEX

to the Commission Regulation of 27 December 1990 altering the export refunds on malt

*(ECU / tonne)*

Product code	Refund
1107 10 19 000	123,00
1107 10 99 000	135,00
1107 20 00 000	158,00

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

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**COMMISSION REGULATION (EEC) No 3806/90**  
**of 27 December 1990**  
**amending Regulation (EEC) No 3519/90 introducing a countervailing charge on**  
**fresh clementines originating in Morocco**

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1193/90<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3519/90<sup>(3)</sup>, introduced a countervailing charge on fresh clementines originating in Morocco;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced 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 fresh clementines originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 3519/90, '7,97 ECU' is hereby replaced by '3,55 ECU'.

*Article 2*

This Regulation shall enter into force on 28 December 1990.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 119, 11. 5. 1990, p. 43.

<sup>(3)</sup> OJ No L 340, 6. 12. 1990, p. 18.

## COMMISSION REGULATION (EEC) No 3807/90

of 27 December 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 <sup>(3)</sup>, as amended by Regulation (EEC) No 3675/90 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(6)</sup>,

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

Whereas these exchange rates being those recorded on 24 December 1990,

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 28 December 1990.

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

Done at Brussels, 27 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 350, 14. 12. 1990, p. 68.

<sup>(4)</sup> OJ No L 356, 19. 12. 1990, p. 35.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 9.

## ANNEX

to the Commission Regulation of 27 December 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,66 <sup>(1)</sup>
1701 11 90	38,66 <sup>(1)</sup>
1701 12 10	38,66 <sup>(1)</sup>
1701 12 90	38,66 <sup>(1)</sup>
1701 91 00	44,17
1701 99 10	44,17
1701 99 90	44,17 <sup>(2)</sup>

<sup>(1)</sup> 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).

<sup>(2)</sup> 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 20 December 1990

renewing the arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other

(90/669/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the draft Decision presented by the Commission,

Whereas Decision 86/47/EEC <sup>(1)</sup>, as renewed by Decision 86/645/EEC <sup>(2)</sup>, establishes arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other for the transition period laid down by the Act of Accession of Spain and Portugal;

Whereas the said Decision expires on 31 December 1990;

Whereas, in order to avoid an interruption of the progressive opening of the Spanish and Portuguese markets to

products originating in the OCT, Decision 86/47/EEC should be extended,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision 86/47/EEC is hereby extended until 31 December 1995.

*Article 2*

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

It shall take effect on the day of its publication.

Done at Brussels, 20 December 1990.

*For the Council*

*The President*

G. RUFFOLO

<sup>(1)</sup> OJ No L 63, 5. 3. 1986, p. 95.

<sup>(2)</sup> OJ No L 380, 31. 12. 1986, p. 66.

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES, MEETING WITHIN THE COUNCIL,

of 20 December 1990

amending Decision 86/50/ECSC establishing arrangements for trade between  
Spain and Portugal on the one hand and the overseas countries and territories  
(OCT) on the other in products covered by the ECSC Treaty

(90/670/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF  
THE MEMBER STATES OF THE EUROPEAN COAL AND  
STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded the Treaty  
establishing the European Coal and Steel Community;

Whereas Decision 86/50/ECSC<sup>(1)</sup>, as extended by Deci-  
sion 86/644/ECSC<sup>(2)</sup>, establishes, for the transitional  
period laid down by the Act of Accession of Spain and  
Portugal, the arrangements for trade between Spain and  
Portugal on the one hand and the overseas countries and  
territories (OCT) on the other in products covered by the  
ECSC Treaty;

Whereas the said Decision expires on 31 December  
1990;

Whereas, in order to avoid an interruption of the progres-  
sive opening of the Spanish and Portuguese markets to  
products originating in the OCT, Decision 86/50/ECSC  
should be extended,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

Decision 86/50/ECSC is hereby extended until 31  
December 1992.

*Article 2*

Article 1 of Decision 86/50/ECSC shall be replaced by  
the following:

*Article 1*

The Kingdom of Spain and the Portuguese Republic  
shall apply the same arrangements as those applied by  
the other Member States of the Community to  
imports of products originating in the OCT, taking  
account of the special conditions defined in the  
Annex.

*Article 3*

Member States shall take the measures necessary to  
implement this Decision.

*Article 4*

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

It shall take effect on the day of its publication.

Done at Brussels, 20 December 1990.

*For the Council*

*The President*

G. RUFFOLO

<sup>(1)</sup> OJ No L 63, 5. 3. 1986, p. 189.

<sup>(2)</sup> OJ No L 380, 31. 12. 1986, p. 65.