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

<p>* Commission Regulation (EEC) No 1657/91 of 14 June 1991 on the implementation of promotional and publicity measures in respect of milk and milk products</p> <p>* Commission Regulation (EEC) No 1658/91 of 14 June 1991 establishing arrangements for retrospective Community surveillance in respect of imports of Atlantic salmon</p> <p>Commission Regulation (EEC) No 1659/91 of 14 June 1991 adopting definitive measures on the issuing of STM licences for milk and milk products in regard to Spain</p> <p>Commission Regulation (EEC) No 1660/91 of 14 June 1991 fixing the aid for cotton</p> <p>Commission Regulation (EEC) No 1661/91 of 14 June 1991 temporarily suspending the advance fixing of export refunds for certain milk products</p> <p>Commission Regulation (EEC) No 1662/91 of 14 June 1991 fixing the maximum buying-in price and the quantities of beef bought in for the 47th partial invitation to tender under Regulation (EEC) No 1627/89</p> <p>Commission Regulation (EEC) No 1663/91 of 14 June 1991 altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty</p> <p>Commission Regulation (EEC) No 1664/91 of 14 June 1991 altering the export refunds on white sugar and raw sugar exported in the natural state</p> <p>Commission Regulation (EEC) No 1665/91 of 14 June 1991 amending Regulation (EEC) No 3192/90 issuing a standing invitation to tender in order to determine refunds on exports of olive oil</p> <p>* Commission Regulation (EEC) No 1666/91 of 14 June 1991 fixing for the 1991 marketing year the maximum levels of the withdrawal prices for tomatoes grown under glass</p> <p>* Commission Regulation (EEC) No 1667/91 of 14 June 1991 fixing the minimum purchase price for lemons delivered for processing and the amount of the financial compensation after processing of such lemons until the end of the 1991/92 marketing year</p> <p>* Commission Regulation (EEC) No 1668/91 of 14 June 1991 reducing the basic price and buying-in price for peaches, nectarines and lemons for the 1990/91 marketing year following the overrun of the intervention threshold for 1990/91</p> <p>Commission Regulation (EEC) No 1669/91 of 14 June 1991 laying down definitive measures on the issuing of STM licences for beef and veal in trade with Spain</p> <p>* Commission Regulation (EEC) No 1670/91 of 14 June 1991 derogating, for the 1991/92 marketing year, from Regulation (EEC) No 3322/89 determining the operative events applicable in the fruit and vegetables sector as regards the processing of lemons and intervention measures for cauliflowers, apricots, peaches, nectarines, lemons and tomatoes and from Regulation (EEC) No 1562/85 as regards the processing of lemons</p> <p>Commission Regulation (EEC) No 1671/91 of 14 June 1991 fixing the export refunds on olive oil</p> <p>Commission Regulation (EEC) No 1672/91 of 14 June 1991 fixing the import levies on white sugar and raw sugar</p>	<p>45</p> <p>51</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>58</p> <p>60</p> <p>62</p> <p>63</p> <p>65</p> <p>66</p> <p>69</p> <p>70</p> <p>72</p> <p>74</p>
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1646/91

of 14 June 1991

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 533/91 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 13 June 1991;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 533/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Levy
0709 90 60	129,84 ⁽²⁾ ⁽³⁾
0712 90 19	129,84 ⁽²⁾ ⁽³⁾
1001 10 10	191,56 ⁽¹⁾ ⁽²⁾
1001 10 90	191,56 ⁽¹⁾ ⁽²⁾
1001 90 91	157,32
1001 90 99	157,32
1002 00 00	150,39 ⁽⁶⁾
1003 00 10	145,00
1003 00 90	145,00
1004 00 10	131,31
1004 00 90	131,31
1005 10 90	129,84 ⁽²⁾ ⁽³⁾
1005 90 00	129,84 ⁽²⁾ ⁽³⁾
1007 00 90	140,21 ⁽⁴⁾
1008 10 00	40,71
1008 20 00	124,35 ⁽⁴⁾
1008 30 00	36,27 ⁽⁷⁾
1008 90 10	(⁷)
1008 90 90	36,27
1101 00 00	234,00 ⁽⁸⁾
1102 10 00	225,25 ⁽⁸⁾
1103 11 10	310,56 ⁽⁸⁾
1103 11 90	250,90 ⁽⁸⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

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

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 1647/91

of 14 June 1991

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90 ⁽⁵⁾ and subsequent amending Regulations;

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

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

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for 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 13 June 1991;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9
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	1,49
1003 00 90	0	0	0	1,49
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	3,78	3,78	3,78
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	2,65	2,65
1107 10 99	0	0	0	1,98	1,98
1107 20 00	0	0	0	2,31	2,31

COMMISSION REGULATION (EEC) No 1648/91
of 14 June 1991
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice 230/91 broken rice were fixed by Commission Regulation (EEC) No 915/91 ⁽⁵⁾, as last amended by Regulation (EEC) No 1554/91 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.
⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.
⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 92, 13. 4. 1991, p. 5.
⁽⁶⁾ OJ No L 144, 8. 6. 1991, p. 10.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾ Bangladesh	Third countries (except ACP or OCT) ⁽⁴⁾
1006 10 21	—	152,49	312,19
1006 10 23	209,00	135,73	278,66
1006 10 25	209,00	135,73	278,66
1006 10 27	209,00	135,73	278,66
1006 10 92	—	152,49	312,19
1006 10 94	209,00	135,73	278,66
1006 10 96	209,00	135,73	278,66
1006 10 98	209,00	135,73	278,66
1006 20 11	—	191,52	390,24
1006 20 13	261,25	170,56	348,33
1006 20 15	261,25	170,56	348,33
1006 20 17	261,25	170,56	348,33
1006 20 92	—	191,52	390,24
1006 20 94	261,25	170,56	348,33
1006 20 96	261,25	170,56	348,33
1006 20 98	261,25	170,56	348,33
1006 30 21	—	236,82	497,49 ⁽⁵⁾
1006 30 23	427,42 ⁽⁶⁾	273,06	569,89 ⁽⁶⁾
1006 30 25	427,42 ⁽⁶⁾	273,06	569,89 ⁽⁶⁾
1006 30 27	427,42 ⁽⁶⁾	273,06	569,89 ⁽⁶⁾
1006 30 42	—	236,82	497,49 ⁽⁶⁾
1006 30 44	427,42 ⁽⁶⁾	273,06	569,89 ⁽⁶⁾
1006 30 46	427,42 ⁽⁶⁾	273,06	569,89 ⁽⁶⁾
1006 30 48	427,42 ⁽⁶⁾	273,06	569,89 ⁽⁶⁾
1006 30 61	—	252,56	529,83 ⁽⁶⁾
1006 30 63	458,20 ⁽⁶⁾	293,11	610,93 ⁽⁶⁾
1006 30 65	458,20 ⁽⁶⁾	293,11	610,93 ⁽⁶⁾
1006 30 67	458,20 ⁽⁶⁾	293,11	610,93 ⁽⁶⁾
1006 30 92	—	252,56	529,83 ⁽⁶⁾
1006 30 94	458,20 ⁽⁶⁾	293,11	610,93 ⁽⁶⁾
1006 30 96	458,20 ⁽⁶⁾	293,11	610,93 ⁽⁶⁾
1006 30 98	458,20 ⁽⁶⁾	293,11	610,93 ⁽⁶⁾
1006 40 00	—	65,77	137,54

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

⁽⁴⁾ The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh, is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

⁽⁵⁾ The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 1649/91**of 14 June 1991****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1806/89⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 3847/90⁽³⁾, as last amended by Regulation (EEC) No 1555/91⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽³⁾ OJ No L 367, 29. 12. 1990, p. 19.⁽⁴⁾ OJ No L 144, 8. 6. 1991, p. 12.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	<i>(ECU/tonne)</i>			
	Current 6	1st period 7	2nd period 8	3rd period 9
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 1650/91

of 14 June 1991

fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 1628/91⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 10, 0201 10 90, 0201 20 11 and 0201 20 19, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3988/87⁽⁴⁾;

Whereas the guide prices for adult bovine animals for the 1991/92 marketing year were fixed by Council Regulation (EEC) No 1629/91⁽⁵⁾;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 150, 15. 6. 1991, p. 18.

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77⁽¹⁾, as amended by Regulation (EEC) No 925/77⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for

example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽³⁾, as last amended by Regulation (EEC) No 3784/90⁽⁴⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 109, 30. 4. 1977, p. 1.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 364, 28. 12. 1990, p. 21.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas levies must be fixed having regard to the obligations arising from international agreements concluded by the Community; whereas account should also be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and of Council Decision 87/605/EEC of 21 December 1987 on the conclusion of the additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽²⁾, anticipating a reduction in the levy applicable on imports into the Community of certain products in the beef and veal sector originating in and coming from Yugoslavia;

Whereas Council Regulation (EEC) No 715/90⁽³⁾, as last amended by Regulation (EEC) No 523/91⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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 coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, an exchange rate based on 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, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 17 June 1991.

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽²⁾ OJ No L 389, 31. 12. 1987, p. 72.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ 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, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia ⁽¹⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	26,638	(¹) 124,192
0102 90 31	21,788	26,638	(¹) 124,192
0102 90 33	—	26,638	(¹) 124,192
0102 90 35	21,788	26,638	(¹) 124,192
0102 90 37	21,788	26,638	(¹) 124,192
— Net weight —			
0201 10 10	—	50,613	(¹) 235,964
0201 10 90	41,397	50,613	(¹) 235,964
0201 20 21	—	50,613	(¹) 235,964
0201 20 29	41,397	50,613	(¹) 235,964
0201 20 31	—	40,491	(¹) 188,771
0201 20 39	33,118	40,491	(¹) 188,771
0201 20 51	49,677	60,736	(¹) 283,157
0201 20 59	49,677	60,736	(¹) 283,157
0201 20 90	—	75,919	(¹) 353,946
0201 30 00	—	86,841	(¹) 404,864
0206 10 95	—	86,841	(¹) 404,864
0210 20 10	—	75,919	353,946
0210 20 90	—	86,841	404,864
0210 90 41	—	86,841	404,864
0210 90 90	—	86,841	404,864
1602 50 10	—	86,841	404,864
1602 90 61	—	86,841	404,864

(¹) In accordance with amended Regulation (EEC) No 715/90, 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.

(²) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 1651/91
of 14 June 1991
fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals for the 1991/92 marketing year have been fixed by Council Regulation (EEC) No 1629/91 ⁽⁵⁾;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 150, 15. 6. 1991, p. 18.

coefficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽¹⁾, as last amended by Regulation (EEC) No 3784/90⁽²⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the

prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 715/90⁽³⁾, as last amended by Regulation (EEC) No 523/91⁽⁴⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

(1) OJ No L 77, 25. 3. 1977, p. 1.

(2) OJ No L 364, 28. 12. 1990, p. 21.

(3) OJ No L 84, 30. 3. 1990, p. 85.

(4) OJ No L 58, 5. 3. 1991, p. 1.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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 Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on frozen beef and veal ⁽¹⁾

(ECU/100 kg)

CN code	Levy
	— Net weight —
0202 10 00	(¹) 198,531
0202 20 10	(¹) 198,531
0202 20 30	(¹) 158,825
0202 20 50	(¹) 248,164
0202 20 90	(¹) 297,797
0202 30 10	(¹) 248,164
0202 30 50	(¹) 248,164
0202 30 90	(¹) 341,473
0206 29 91	(¹) 341,473

⁽¹⁾ In accordance with amended Regulation (EEC) No 715/90, 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.

COMMISSION REGULATION (EEC) No 1652/91
of 14 June 1991
fixing the import levies on milk and milk products

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

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

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1370/91 ⁽³⁾, as amended by Regulation (EEC) No 1417/91 ⁽⁴⁾,

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1370/91 to the prices

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 31. 10. 1990, p. 5.

⁽³⁾ OJ No L 130, 25. 5. 1991, p. 41.

⁽⁴⁾ OJ No L 135, 30. 5. 1991, p. 23.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		18,03
0401 10 90		16,82
0401 20 11		24,72
0401 20 19		23,51
0401 20 91		30,04
0401 20 99		28,83
0401 30 11		76,62
0401 30 19		75,41
0401 30 31		146,95
0401 30 39		145,74
0401 30 91		246,07
0401 30 99		244,86
0402 10 11	(*)	128,54
0402 10 19	(*)	121,29
0402 10 91	(*)(*)	1,2129/kg + 29,23
0402 10 99	(*)(*)	1,2129/kg + 21,98
0402 21 11	(*)	178,90
0402 21 17	(*)	171,65
0402 21 19	(*)	171,65
0402 21 91	(*)	219,22
0402 21 99	(*)	211,97
0402 29 11	(*)(*)(*)	1,7165/kg + 29,23
0402 29 15	(*)(*)	1,7165/kg + 29,23
0402 29 19	(*)(*)	1,7165/kg + 21,98
0402 29 91	(*)(*)	2,1197/kg + 29,23
0402 29 99	(*)(*)	2,1197/kg + 21,98
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	146,95
0402 91 59	(*)	145,74
0402 91 91	(*)	246,07
0402 91 99	(*)	244,86
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*)(*)	1,4332/kg + 25,61
0402 99 39	(*)(*)	1,4332/kg + 24,40
0402 99 91	(*)(*)	2,4244/kg + 25,61
0402 99 99	(*)(*)	2,4244/kg + 24,40
0403 10 02		128,54
0403 10 04		178,90

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

CN code	Note	Import levy
0403 10 06		219,22
0403 10 12	(¹)	1,2129 /kg + 29,23
0403 10 14	(¹)	1,7165 /kg + 29,23
0403 10 16	(¹)	2,1197 /kg + 29,23
0403 10 22		27,13
0403 10 24		32,45
0403 10 26		79,03
0403 10 32	(¹)	0,2109 /kg + 28,02
0403 10 34	(¹)	0,2641 /kg + 28,02
0403 10 36	(¹)	0,7299 /kg + 28,02
0403 90 11		128,54
0403 90 13		178,90
0403 90 19		219,22
0403 90 31	(¹)	1,2129 /kg + 29,23
0403 90 33	(¹)	1,7165 /kg + 29,23
0403 90 39	(¹)	2,1197 /kg + 29,23
0403 90 51		27,13
0403 90 53		32,45
0403 90 59		79,03
0403 90 61	(¹)	0,2109 /kg + 28,02
0403 90 63	(¹)	0,2641 /kg + 28,02
0403 90 69	(¹)	0,7299 /kg + 28,02
0404 10 11		26,43
0404 10 19	(¹)	0,2643 /kg + 21,98
0404 10 91	(²)	0,2643 /kg
0404 10 99	(²)	0,2643 /kg + 21,98
0404 90 11		128,54
0404 90 13		178,90
0404 90 19		219,22
0404 90 31		128,54
0404 90 33		178,90
0404 90 39		219,22
0404 90 51	(¹)	1,2129 /kg + 29,23
0404 90 53	(¹)(²)	1,7165 /kg + 29,23
0404 90 59	(¹)	2,1197 /kg + 29,23
0404 90 91	(¹)	1,2129 /kg + 29,23
0404 90 93	(¹)(²)	1,7165 /kg + 29,23
0404 90 99	(¹)	2,1197 /kg + 29,23
0405 00 10		253,76
0405 00 90		309,59
0406 10 10	(¹)	233,99
0406 10 90	(¹)	285,03
0406 20 10	(²)(¹)	380,01
0406 20 90	(¹)	380,01
0406 30 10	(²)(¹)	185,98
0406 30 31	(²)(¹)	175,43
0406 30 39	(²)(¹)	185,98
0406 30 90	(²)(¹)	282,70

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

CN code	Note	Import levy
0406 40 00	(3)(*)	148,14
0406 90 11	(3)(*)	225,59
0406 90 13	(3)(*)	181,87
0406 90 15	(3)(*)	181,87
0406 90 17	(3)(*)	181,87
0406 90 19	(3)(*)	380,01
0406 90 21	(3)(*)	225,59
0406 90 23	(3)(*)	188,31
0406 90 25	(3)(*)	188,31
0406 90 27	(3)(*)	188,31
0406 90 29	(3)(*)	188,31
0406 90 31	(3)(*)	188,31
0406 90 33	(*)	188,31
0406 90 35	(3)(*)	188,31
0406 90 37	(3)(*)	188,31
0406 90 39	(3)(*)	188,31
0406 90 50	(3)(*)	188,31
0406 90 61	(*)	380,01
0406 90 63	(*)	380,01
0406 90 69	(*)	380,01
0406 90 71	(*)	233,99
0406 90 73	(*)	188,31
0406 90 75	(*)	188,31
0406 90 77	(*)	188,31
0406 90 79	(*)	188,31
0406 90 81	(*)	188,31
0406 90 83	(*)	188,31
0406 90 85	(*)	188,31
0406 90 89	(3)(*)	188,31
0406 90 91	(*)	233,99
0406 90 93	(*)	233,99
0406 90 97	(*)	285,03
0406 90 99	(*)	285,03
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		93,39
2309 10 19		121,28
2309 10 39		113,74
2309 10 59		94,08
2309 10 70		121,28
2309 90 35		93,39
2309 90 39		121,28
2309 90 49		113,74
2309 90 59		94,08
2309 90 70		121,28

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- (¹) The levy on 100 kg of product falling within this code is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this code is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
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COMMISSION REGULATION (EEC) No 1653/91

of 14 June 1991

fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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⁽³⁾, as last amended by Regulation (EEC) No 3116/90⁽⁴⁾;

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 1991/1992 milk year by Council Regulation (EEC) No 1633/91⁽⁵⁾;

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 multiplying 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⁽⁶⁾, as last amended by Regulation (EEC) No 1502/90⁽⁷⁾;

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⁽⁸⁾, as amended by Regulation (EEC) No 222/88⁽⁹⁾, 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;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 303, 31. 10. 1990, p. 1.

⁽⁵⁾ OJ No L 150, 15. 6. 1991, p. 25.

⁽⁶⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁷⁾ OJ No L 141, 2. 6. 1990, p. 5.

⁽⁸⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽⁹⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas Commission Regulation (EEC) No 788/86⁽¹⁾, as last amended by Regulation (EEC) No 1525/90⁽²⁾, 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⁽³⁾, 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⁽⁴⁾, as last amended by Regulation (EEC) No 523/91⁽⁵⁾, 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⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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 17 June 1991.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽²⁾ OJ No L 144, 7. 6. 1990, p. 15.

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

Done at Brussels, 14 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		18,03
0401 10 90		16,82
0401 20 11		24,72
0401 20 19		23,51
0401 20 91		30,04
0401 20 99		28,83
0401 30 11		76,62
0401 30 19		75,41
0401 30 31		146,95
0401 30 39		145,74
0401 30 91		246,07
0401 30 99		244,86
0402 10 11	(*)	128,54
0402 10 19	(*)	121,29
0402 10 91	(*) (*)	1,2129/kg + 29,23
0402 10 99	(*) (*)	1,2129/kg + 21,98
0402 21 11	(*)	178,90
0402 21 17	(*)	171,65
0402 21 19	(*)	171,65
0402 21 91	(*)	219,22
0402 21 99	(*)	211,97
0402 29 11	(*) (*) (*)	1,7165/kg + 29,23
0402 29 15	(*) (*)	1,7165/kg + 29,23
0402 29 19	(*) (*)	1,7165/kg + 21,98
0402 29 91	(*) (*)	2,1197/kg + 29,23
0402 29 99	(*) (*)	2,1197/kg + 21,98
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	146,95
0402 91 59	(*)	145,74
0402 91 91	(*)	246,07
0402 91 99	(*)	244,86
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,4332/kg + 25,61
0402 99 39	(*) (*)	1,4332/kg + 24,40
0402 99 91	(*) (*)	2,4244/kg + 25,61
0402 99 99	(*) (*)	2,4244/kg + 24,40
0403 10 02		128,54
0403 10 04		178,90

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

CN code	Note	Import levy
0403 10 06		219,22
0403 10 12	(1)	1,2129/kg + 29,23
0403 10 14	(1)	1,7165/kg + 29,23
0403 10 16	(1)	2,1197/kg + 29,23
0403 10 22		27,13
0403 10 24		32,45
0403 10 26		79,03
0403 10 32	(1)	0,2109/kg + 28,02
0403 10 34	(1)	0,2641/kg + 28,02
0403 10 36	(1)	0,7299/kg + 28,02
0403 90 11		128,54
0403 90 13		178,90
0403 90 19		219,22
0403 90 31	(1)	1,2129/kg + 29,23
0403 90 33	(1)	1,7165/kg + 29,23
0403 90 39	(1)	2,1197/kg + 29,23
0403 90 51		27,13
0403 90 53		32,45
0403 90 59		79,03
0403 90 61	(1)	0,2109/kg + 28,02
0403 90 63	(1)	0,2641/kg + 28,02
0403 90 69	(1)	0,7299/kg + 28,02
0404 10 11		26,43
0404 10 19	(1)	0,2643/kg + 21,98
0404 10 91	(2)	0,2643/kg
0404 10 99	(2)	0,2643/kg + 21,98
0404 90 11		128,54
0404 90 13		178,90
0404 90 19		219,22
0404 90 31		128,54
0404 90 33		178,90
0404 90 39		219,22
0404 90 51	(1)	1,2129/kg + 29,23
0404 90 53	(1)(2)	1,7165/kg + 29,23
0404 90 59	(1)	2,1197/kg + 29,23
0404 90 91	(1)	1,2129/kg + 29,23
0404 90 93	(1)(2)	1,7165/kg + 29,23
0404 90 99	(1)	2,1197/kg + 29,23
0405 00 10		253,76
0405 00 90		309,59
0406 10 10	(*)	233,99
0406 10 90	(*)	285,03
0406 20 10	(3)(*)	380,01
0406 20 90	(*)	380,01
0406 30 10	(3)(*)	185,98
0406 30 31	(3)(*)	175,43
0406 30 39	(3)(*)	185,98
0406 30 90	(3)(*)	282,70

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

CN code	Note	Import levy
0406 40 00	(³)(⁴)	148,14
0406 90 11	(³)(⁴)	225,59
0406 90 13	(³)(⁴)	181,87
0406 90 15	(³)(⁴)	181,87
0406 90 17	(³)(⁴)	181,87
0406 90 19	(³)(⁴)	380,01
0406 90 21	(³)(⁴)	225,59
0406 90 23	(³)(⁴)	188,31
0406 90 25	(³)(⁴)	188,31
0406 90 27	(³)(⁴)	188,31
0406 90 29	(³)(⁴)	188,31
0406 90 31	(³)(⁴)	188,31
0406 90 33	(⁴)	188,31
0406 90 35	(³)(⁴)	188,31
0406 90 37	(³)(⁴)	188,31
0406 90 39	(³)(⁴)	188,31
0406 90 50	(³)(⁴)	188,31
0406 90 61	(⁴)	380,01
0406 90 63	(⁴)	380,01
0406 90 69	(⁴)	380,01
0406 90 71	(⁴)	233,99
0406 90 73	(⁴)	188,31
0406 90 75	(⁴)	188,31
0406 90 77	(⁴)	188,31
0406 90 79	(⁴)	188,31
0406 90 81	(⁴)	188,31
0406 90 83	(⁴)	188,31
0406 90 85	(⁴)	188,31
0406 90 89	(³)(⁴)	188,31
0406 90 91	(⁴)	233,99
0406 90 93	(⁴)	233,99
0406 90 97	(⁴)	285,03
0406 90 99	(⁴)	285,03
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		93,39
2309 10 19		121,28
2309 10 39		113,74
2309 10 59		94,08
2309 10 70		121,28
2309 90 35		93,39
2309 90 39		121,28
2309 90 49		113,74
2309 90 59		94,08
2309 90 70		121,28

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

COMMISSION REGULATION (EEC) No 1654/91

of 14 June 1991

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1624/91⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 1579/91⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingsuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1189/90⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has been fixed by Commission Regulation (EEC) No 2510/90⁽⁹⁾;

Whereas the threshold price activating the aid and the minimum price fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1755/90 of 27 June 1990 establishing the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽¹⁰⁾;

'Whereas, owing to the lack of an activating threshold price, a guide price for peas, field beans and sweet lupins and of the adjustment in the rate of aid resulting from the maximum guaranteed quantity arrangements for the 1991/92 marketing year, the amount of the aid fixed in advance for this marketing year has only been able to be calculated provisionally conforming to the Commission's price proposals to the Council; whereas this amount should, therefore, only be applied provisionally and should be confirmed or replaced once the prices and related measures and the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year are known';

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 10.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 147, 12. 6. 1991, p. 9.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 119, 11. 5. 1990, p. 37.

⁽⁸⁾ OJ No L 119, 11. 5. 1990, p. 40.

⁽⁹⁾ OJ No L 237, 1. 9. 1990, p. 8.

⁽¹⁰⁾ OJ No L 162, 28. 6. 1990, p. 18.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1834/90 ⁽³⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from

Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.
2. However, the amount of the aid fixed in advance for the 1991/92 marketing year for peas, field beans and sweet lupins shall be confirmed or replaced with effect from 16 June 1991 to take account of the prices and related measures for the 1991/92 marketing year and of the consequences of the maximum guaranteed quantity arrangements.

Article 2

This Regulation shall enter into force on 16 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 94.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
Peas used :							
— in Spain	6,681	4,537	4,537	4,695	4,853	5,011	5,169
— in Portugal	6,699	4,555	4,555	4,713	4,871	5,029	5,187
— in another Member State	6,834	4,690	4,690	4,848	5,006	5,164	5,322
Field beans used :							
— in Spain	6,834	4,690	4,690	4,848	5,006	5,164	5,322
— in Portugal	6,699	4,555	4,555	4,713	4,871	5,029	5,187
— in another Member State	6,834	4,690	4,690	4,848	5,006	5,164	5,322

Products used in animal feed :

(ECU per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
A. Peas used :							
— in Spain	8,894	6,248	6,292	6,449	6,607	6,550	6,707
— in Portugal	8,947	6,308	6,351	6,508	6,666	6,611	6,768
— in another Member State	8,947	6,308	6,351	6,508	6,666	6,611	6,768
B. Field beans used :							
— in Spain	8,894	6,248	6,292	6,449	6,607	6,550	6,707
— in Portugal	8,947	6,308	6,351	6,508	6,666	6,611	6,768
— in another Member State	8,947	6,308	6,351	6,508	6,666	6,611	6,768
C. Sweet lupins harvested in Spain and used :							
— in Spain	10,505	8,688	8,745	8,745	8,745	8,460	8,460
— in Portugal	10,576	8,767	8,824	8,824	8,824	8,541	8,541
— in another Member State	10,576	8,767	8,824	8,824	8,824	8,541	8,541
D. Sweet lupins harvested in another Member State and used :							
— in Spain	10,505	8,688	8,745	8,745	8,745	8,460	8,460
— in Portugal	10,576	8,767	8,824	8,824	8,824	8,541	8,541
— in another Member State	10,576	8,767	8,824	8,824	8,824	8,541	8,541

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	29,69	0,12	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	5,49	0,02	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	1,44	0,01	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	150,69	0,63	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	93,83	0,39	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	4,83	0,02	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,537	0,002	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	1077	4	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	1,62	0,01	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	127,61	0,53	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,477	0,002	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	224,937	127,291	6,89509	0,767417	1 538,24	2,31643	179,602	0,696754

(¹) Amount fixed provisionally, pending and subject to the setting of the prices and related measures and of the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming in particular:

- to the Commission's proposals for the 1991/92 marketing year as regards the target price, the activating threshold prices and the monthly increases;
- to the adjustment resulting from the maximum guaranteed quantity arrangements and that of the agricultural conversion rates applied for the 1990/91 marketing year.

COMMISSION REGULATION (EEC) No 1655/91
of 14 June 1991
fixing the rate of the aid for dried fodder

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 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 2275/89⁽²⁾, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 1627/91⁽³⁾ for the 1991/92 marketing year;

Whereas, in the absence of the intervention price for barley for the 1991/92 marketing year, the rate of the aid was fixed in accordance with Commission proposals to the Council and should be confirmed or replaced once the intervention price for barley for the 1991/92 marketing year is known;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁴⁾, as last amended by Regulation (EEC) No 1110/89⁽⁵⁾, the average

world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1757/90⁽⁷⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced,

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 150, 15. 6. 1991, p. 15.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁵⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁶⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁷⁾ OJ No L 162, 28. 6. 1990, p. 21.

adjusted by the percentage fixed under Article 5 (2) of Regulation (EEC) No 1117/78 ; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero ;

Whereas, if the aid 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 conversion rate 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 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing ;

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the additional aid applicable in these two Member States is to be adjusted by an amount equal to the amount of customs duties on imports of these

products from third countries ; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price ;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

1. The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.
2. However, the rate of aid for the 1991/92 marketing year shall be confirmed or replaced with effect from 17 June 1991 to take account of the intervention price for barley for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the rate of the aid for dried fodder

Aid applicable from 17 June 1991 to dried fodder :

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates			Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States
Aid (1)	55,841	55,055	55,841	22,115	22,901

Aid in case of advance fixing for the month of :

(ECU/tonne)

July 1991 (1)	72,372	71,709	72,372	38,769	39,432
August 1991 (1)	74,091	73,441	74,091	40,501	41,151
September 1991 (1)	73,049	72,392	73,049	39,452	40,109
October 1991 (2)	0,000	0,000	0,000	0,000	0,000
November 1991 (2)	0,000	0,000	0,000	0,000	0,000
December 1991 (2)	0,000	0,000	0,000	0,000	0,000
January 1992 (2)	0,000	0,000	0,000	0,000	0,000
February 1992 (2)	0,000	0,000	0,000	0,000	0,000
March 1992 (2)	0,000	0,000	0,000	0,000	0,000

(1) Rate fixed provisionally, pending and subject to the setting of the intervention price for barley for the 1991/92 marketing year.

(2) In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

COMMISSION REGULATION (EEC) No 1656/91

of 13 June 1991

laying down special provisions applicable to certain types of inward-processing operations or processing under customs control

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2503/88 of 25 July 1988 on customs warehouses⁽¹⁾, and in particular Article 15 (1) thereof,

Having regard to Council Regulation (EEC) No 2504/88 of 25 July 1988 on free zones and free warehouses⁽²⁾, and in particular Article 8 thereof,

Whereas it is necessary to determine which formalities can be dispensed with in the case of inward-processing operations or processing under customs control carried out on the premises of a customs warehouse or in a free zone or a free warehouse;

Whereas the introduction of a simplified procedure whereby goods are placed under a customs procedure without being presented and prior to the lodging of a declaration would result in a significant number of formalities being abolished;

Whereas the automatic application of the simplified procedure should be limited to those types of warehouse where the warehousekeeper assumes the responsibilities arising in connection with the goods and keeps stock records enabling all operations to be effectively monitored;

Whereas use of the simplified procedure should be withheld in all cases where the necessary guarantees are not provided, or its infrequent use would not justify its being granted; whereas the main function of a customs warehouse, namely the storage of goods, should at the same time be taken into account;

Whereas all provisions governing the procedures in question apply, other than those dealing with the placing of goods under the procedure or the assignment of goods to one of the customs-approved treatments or uses referred to in Article 18 of Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward-processing relief arrangements⁽³⁾ or in Article 10 of Council Regulation (EEC) No 2763/83 of 26 September 1983 on arrangements permitting goods to be processed under customs control before

being put into free circulation⁽⁴⁾, as last amended by Regulation (EEC) No 720/91⁽⁵⁾;

Whereas operators should be required to keep specific records for inward-processing operations and processing under customs control containing all the elements necessary to monitor the operations;

Whereas for customs control to be effective, the entries relating to same goods should be cross-referenced in the stock records of the customs warehouse or free zone or free warehouse and in the specific records concerning inward processing or processing under customs control;

Whereas in order to use storage facilities economically, it must be possible for goods placed under the customs-warehousing procedure and compensating products or goods in the unaltered state placed under the inward-processing procedure to be stored together; whereas common storage should be allowed even where the products or goods can no longer be identified, provided they are equivalent products or goods;

Whereas it is desirable to provide that information concerning authorizations for inward processing operations carried out in the Old Free Port of Hamburg which are not subject to the economic conditions laid down under the inward-processing procedure should be transmitted at regular intervals, and separately from information concerning other authorizations; whereas a three-month interval would appear adequate;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

Chapter 1

General provisions

Article 1

1. This Regulation shall apply to inward-processing operations (suspension system) or processing under customs control carried out:

⁽¹⁾ OJ No L 225, 15. 8. 1988, p. 1.

⁽²⁾ OJ No L 225, 15. 8. 1988, p. 8.

⁽³⁾ OJ No L 188, 20. 7. 1985, p. 1.

⁽⁴⁾ OJ No L 272, 5. 10. 1983, p. 1.

⁽⁵⁾ OJ No L 78, 26. 3. 1991, p. 9.

- on the premises of customs warehouses of types A, C and D in which use of one of the simplified procedures referred to in Article 24 (1) (c), Article 48 (1) (c) or Article 54 (1) (c) of Commission Regulation (EEC) No 2561/90⁽⁶⁾ is authorized, or
- in a free zone or free warehouse.

2. The provisions laid down for the procedures in question in Council Regulations (EEC) No 1999/85, (EEC) No 3677/86⁽⁷⁾, (EEC) No 2763/83 and Commission Regulation (EEC) No 3548/84⁽⁸⁾ shall apply to :

- inward-processing operations using the drawback system,
- inward-processing operations (suspension or drawback system) or processing under customs control carried out on the premises of warehouses of types B or F, or on premises used for the storage of goods placed under the customs-warehousing procedure in a type E warehouse,
- operations to be carried out on the premises of type A, C or D warehouses not fulfilling the conditions laid down in paragraph 1.

Article 2

The customs authority shall withhold authorization to use the simplified procedures described in Articles 3 to 18 where the necessary guarantees for the proper conduct of the operations are not afforded.

The customs authority may withhold authorization from persons who do not frequently carry out inward-processing operations or processing under customs control, without prejudice to Article 8 of Regulation (EEC) No 2561/90.

Chapter 2

Inward processing

Article 3

Processing operations carried out under the inward-processing relief procedure on the premises of a customs warehouse referred to in Article 1 (1) or in a free zone or free warehouse shall not take place until the authorization referred to in Article 3 of Regulation (EEC) No 1999/85 has been granted.

(1) OJ No L 246, 10. 9. 1990, p. 1.

(2) OJ No L 351, 12. 12. 1986, p. 1.

(3) OJ No L 331, 19. 12. 1984, p. 5.

The authorization must specify the warehouse (indicating type) or the free zone or free warehouse where the operations will be carried out.

Article 4

1. The holder of the authorization shall keep specific accounts relating to inward processing (hereinafter referred to as 'inward-processing records') showing the quantities of goods placed under the inward-processing relief procedure and of compensating products obtained, and all the particulars needed to monitor the operations and to calculate correctly any import duties which may be payable. Entries shall contain *inter alia* the particulars necessary for identification of the goods or products and a reference to the authorization.

2. For the purpose of drawing up the bill of discharge referred to in Article 61 of Regulation (EEC) No 3677/86, the reference to the entries specified in paragraph 1 shall replace the reference to the declarations and documents specified in Article 61 (3) of Regulation (EEC) No 3677/86.

Article 5

1. Where goods are placed under the inward-processing relief procedure at the time when they are brought onto the premises of the customs warehouse or into the free zone or free warehouse, the simplified procedure laid down in Article 24 (1) (c) of Regulation (EEC) No 3677/86 shall apply.

2. The entry in the inward-processing records pursuant to Article 24 (2) (b) of Regulation (EEC) No 3677/86 shall replace the entry in the stock records of the free zone or free warehouse, referred to in Article 11 (1) of Regulation (EEC) No 2504/88.

3. The entry in the inward-processing records shall refer to the document under which the goods were carried.

Article 6

1. Where goods already on the premises of a customs warehouse under the customs-warehousing procedure, or goods already in a free zone or free warehouse, are placed under the inward-processing relief procedure, the simplified procedure laid down in Article 24 (1) (c) of Regulation (EEC) No 3677/86 shall apply.

2. The customs-warehousing procedure shall be discharged by entry in the inward-processing records. The particulars of such entry shall be recorded in the stock records of the customs warehouse.

3. Particulars of the entry in the inward-processing records shall be recorded in the stock records of the free zone or free warehouse.

Article 7

1. Where compensating products or goods in the unaltered state which have been placed under the inward-processing relief procedure on the premises of a customs warehouse are placed under the customs-warehousing procedure, the simplified procedure laid down in Article 24 (1) (c) of Regulation (EEC) No 2561/90 shall apply.

2. The inward-processing relief procedure shall be discharged by entry in the stock records of the customs warehouse. The particulars of such entry shall be recorded in the inward-processing records.

3. The inward-processing relief arrangements shall be discharged in respect of compensating products or goods in the unaltered state situated in a free zone or free warehouse by entry in the stock records of the free zone or free warehouse. The particulars of such entry shall be recorded in the inward-processing records.

4. The indications referred to in Article 71 of Regulation (EEC) No 3677/86 must be entered in the stock records of the customs warehouse or free zone or free warehouse.

Article 8

1. Where the inward-processing relief procedure is discharged at the time when the compensating products or goods in the unaltered state are removed from the premises of the customs warehouse or from the free zone or free warehouse by the export of those products or goods, the simplified export procedure laid down in Article 44 (1) (b) of Regulation (EEC) No 3677/86 shall apply.

Without prejudice to the procedures applicable in cases where exports are subject to export duties or commercial policy measures, where the products or goods are taken direct out of a free area or free warehouse from the customs territory of the Community, the export declaration referred to in Article 44 (2) (b) shall not be required.

2. Where the inward-processing relief procedure is discharged at the time when the compensating products or goods in the unaltered state are removed from the premises of the customs warehouse or the free zone or free warehouse by the release for free circulation of those products or goods, the simplified procedure for release for

free circulation laid down in Article 47 (1) (c) of Regulation (EEC) No 3677/86 shall apply.

3. Where the inward-processing relief procedure is discharged at the time when the compensating products or goods in the unaltered state are removed from the premises of the customs warehouse or the free zone or free warehouse in order that they may be assigned one of the treatments referred to in Article 18 of Regulation (EEC) No 1999/85 other than release for free circulation or export, the normal or simplified procedures laid down for that purpose shall apply.

4. The removal of compensating products or goods in the unaltered state from the premises of a customs warehouse or from a free zone or free warehouse need not be entered in the stock records of the customs warehouse or the free zone or free warehouse.

Article 9

Articles 7 (2) and (3) and Article 8 (2) and (4) shall be without prejudice to the application of Article 21 of Regulation (EEC) No 1999/85.

Article 10

1. Provided the proper conduct of operations is not affected, the customs authority shall allow non-Community goods placed under the customs-warehousing procedure and import goods or compensatory products placed under the inward-processing relief procedure to be stored together in the same storage facilities.

2. Where common storage, as referred to in paragraph 1, makes it impossible to identify at all times the customs procedure under which the goods or products are placed, such storage shall be permitted only where the goods or products are equivalent.

Equivalent goods or products are those falling within the same subheading of the combined nomenclature, of the same commercial quality and having the same technical characteristics.

3. Where equivalent goods or products referred to in paragraph 2 are stored in common, goods or products declared for a customs-approved treatment shall be considered to be goods or products placed under either the customs-warehousing procedure or the inward-processing procedure, at the declarant's choice.

Application of the first subparagraph may in no case result in a given status being conferred on a quantity of goods or products greater than the quantity of goods and products having that status actually stored in the customs warehouse when the goods or products declared for a customs-approved treatment are removed.

4. Where the status of goods placed under the customs-warehousing procedure or of compensating products or goods in the unaltered state placed under the inward-processing relief procedure is conferred on goods, those goods shall be subject to all provisions governing the procedures, including in particular those concerning charges and the collection of compensatory interests.

5. In the event of the total destruction or irretrievable loss of goods or products, the share of goods or products placed under one of the procedures in question which has been destroyed or lost shall be calculated by reference to the proportion of goods or products of the same type placed under the procedure on the premises of the warehouse at the time when the destruction or loss occurred, unless the warehousekeeper can produce evidence of the actual quantity of goods or products placed under the arrangements which was destroyed or lost.

Article 11

Before the end of the month following each quarter, Germany shall send the Commission the information referred to in Annex VIII to Regulation (EEC) No 3677/86 concerning inward-processing authorizations issued or modified in the Old Free Port of Hamburg during the preceding quarter which are not subject to the economic conditions laid down for the inward-processing relief procedure.

Chapter 3

Processing under customs control

Article 12

Processing operations carried out under the procedure for processing under customs control on the premises of a customs warehouse referred to in Article 1 (1) or in a free zone or free warehouse shall not take place until the authorization referred to in Article 3 of Regulation (EEC) No 2763/83 has been granted.

The authorization must specify the warehouse (indicating type) or the free zone or free warehouse where the operations will be carried out.

Article 13

The holder of the authorization shall keep specific accounts relating to processing under customs control (hereinafter referred to as 'records of processing under customs control') showing the quantities of goods placed under the procedure for processing under customs control

and of processed products obtained and all the particulars needed to monitor the operations and to calculate correctly any import duties which may be payable. Entries in the records shall contain *inter alia* the particulars necessary for identification of the goods or products and a reference to the authorization.

Article 14

1. Goods may be entered for processing under customs control at the time when they are brought onto the premises of the customs warehouse or into the free zone or free warehouse without being presented to the customs authority, as laid down in paragraph 2.

2. The person concerned shall, upon the arrival of the goods at the designated place :

(a) duly notify the customs authority of such arrival in the manner specified by the said authority. However, the customs authority may :

- permit the authorized person to notify it of the arrival of the goods when this is imminent, rather than requiring him to wait for their actual arrival,
- in special circumstances, where the nature of the goods and the frequency of entries for the procedure so warrant, exempt the person concerned from the requirement to notify each arrival of goods, provided that he supplies the said authority with all the information it judges necessary to enable it to exercise its right to examine the goods should the need arise ;

(b) enter the goods in the records of processing under customs control. Such entry shall be effected in the manner specified by the customs authority. It shall be dated and shall indicate particulars of the document under which the goods were carried. Such entry may be replaced by any other formality of comparable probative effect stipulated by the customs authority ;

(c) make available to the customs authority all documents relating to the placing of the goods under the procedure.

3. The entry in the records shall have the same force in law as acceptance of the declaration placing the goods under the procedure. Any examination of the goods shall be based on the particulars shown in the records. Entry of the goods in the records shall be equivalent to their release.

4. A summary declaration in respect of goods entered for processing under customs control shall be lodged with the competent customs office within the period specified by the customs authority.

5. The entry referred to in paragraph 2 (b) shall replace the entry in the stock records of the free zone or free warehouse referred to in Article 11 (1) of Regulation (EEC) No 2504/88.

Article 15

1. Where goods already on the premises of a customs warehouse under the customs-warehousing procedure or goods in a free zone or free warehouse are entered for processing under customs control, the simplified procedure laid down in Article 14 (1) to (4) shall apply.

2. The customs-warehousing procedure shall be discharged by entry of the goods in the records of processing under customs control. Particulars of such entry are recorded in the stock records of the customs warehouse.

3. Particulars of the entry in the records of processing under customs control shall be recorded in the stock records of the free zone or free warehouse.

Article 16

1. Where processed products or goods in the unaltered state which have been placed under the procedure for processing under customs control on the premises of a customs warehouse are placed under the customs-warehousing procedure, the simplified procedure laid down in Article 24 (1) (c) of Regulation (EEC) No 2561/90 shall apply.

2. The procedure for processing under customs control shall be discharged in respect of the processed products or goods in the unaltered state, by entry in the stock records of the customs warehouse. Particulars of such entry shall be recorded in the records of processing under customs control.

3. The procedure for processing under customs control shall be discharged in respect of the processed products or goods in the unaltered state situated in a free zone or free warehouse by entry in the stock records of the free zone or free warehouse. Particulars of such entry shall be recorded in the records of processing under customs control.

Article 17

1. The procedure for processing under customs control shall be discharged at the time when the processed products or goods in the unaltered state are removed from the premises of the customs warehouse or from the free

zone or free warehouse by the release for free circulation or export of those products or goods without such products or goods being presented to the customs authority, as laid down in paragraph 2.

2. The person concerned shall:

(a) notify the customs authority in the manner specified by the said authority, and before the goods leave his premises, of the imminent dispatch of consignments. However, the customs authority may, in special circumstances, where the nature of the goods and the frequency of release for free circulation or export so warrant, exempt the person concerned from the requirement to notify each dispatch of goods provided that he supplies the said authority with all the information it judges necessary to enable it to exercise its right to examine the goods should the need arise;

(b) enter the processed products or goods in the unaltered state in the records of processing under customs control. Such entry shall be effected in the manner laid down by the customs authority. It shall be dated. Such entry may be replaced by any other formality of comparable probative effect stipulated by the customs authority;

(c) draw up an export declaration, where the goods are exported; without prejudice to the procedures applicable in cases where exports are subject to export duties or commercial policy measures, where the processed products or goods in the unaltered state are taken straight from a free zone or free warehouse out of the customs territory of the Community, the export declaration shall not be required;

(d) make available to the customs authority all documents relating to the release for free circulation or export of the processed products or goods in the unaltered state, and in particular the import or export licence required under the common agricultural policy or documents provided for by the common commercial policy.

3. The entry in the records shall have the same force in law as acceptance of the declaration for release of the goods for free circulation or the export declaration. Any examination of the goods shall be based on the particulars shown in the records. Entry of the goods in the records shall be equivalent to their release.

4. A summary declaration in respect of the processed products or goods in the unaltered state for which the procedure for processing under customs control has been discharged must be lodged with the competent customs office within the period specified by the customs authority.

5. Where the procedure for processing under customs control is discharged at the time when the processed products or goods in the unaltered state are removed from the premises of the customs warehouse or the free zone or free warehouse in order that they may be assigned one of the treatments referred to in Article 10 of Regulation (EEC) No 2763/88 other than release for free circulation or export, the normal or simplified procedures laid down for that purpose shall apply.

6. The removal of processed products or goods in the unaltered state from the premises of the customs warehouse or the free zone or the free warehouse need not be recorded in the stock records of the customs warehouse or free zone or free warehouse.

Article 18

Article 16 (2) and (3) and Article 17 (1) and (5) shall be without prejudice to the application of Articles 11 and 12 of Regulation (EEC) No 2763/83.

Chapter 4

Final provisions

Article 19

The Community status of compensating or processed products or goods in the unaltered state released for free

circulation in or on removal from a free zone or free warehouse shall be certified by the document referred to in Annex II to Council Regulation (EEC) No 2562/90⁽¹⁾, to be issued by the operator.

The first subparagraph shall also apply to compensating products or goods in the unaltered state put on the Community market pursuant to Article 49 (1) of Regulation (EEC) No 3677/86.

Article 20

The entries in the inward-processing records or records of processing under customs control must enable the customs authority to verify at any time the precise status of all goods or products placed under one of the procedures in question or in the free zone or free warehouse, and, in the case of the common storage referred to in Article 10, the exact quantity of each type of goods or products will placed under one of the procedures in question.

Article 21

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 1992.

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

Done at Brussels, 13 June 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 246, 10. 9. 1990, p. 33.

COMMISSION REGULATION (EEC) No 1657/91

of 14 June 1991

on the implementation of promotional and publicity measures in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a coresponsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3660/90⁽²⁾, and in particular Article 4 thereof,

Whereas promotional and publicity measures for milk and milk products commenced in the Community in 1978 and have continued since then owing to their effectiveness in expanding the markets in milk products in the Member States; whereas they should accordingly be continued and duly qualified organizations should be invited again to propose detailed programmes of measures which these organizations would themselves carry out;

Whereas the organizations which will be responsible for the measures must satisfy certain conditions; whereas in particular care must be taken to ensure that milk products from the Community are promoted; whereas the guidelines to be followed in this context were laid down in Commission communication 86/C 272/03 concerning State involvement in the promotion of agricultural and fisheries products⁽³⁾; whereas the activities of the organizations concerned as a whole must not in particular be liable to clash with the aim pursued in promoting the disposal of milk products; whereas it is therefore essential that proposals from organizations whose activities also cover the production, distribution or sales promotion of products which imitate milk and milk products should be barred;

Whereas amendments should be made to the earlier Regulations, notably as regards the implementation of the Community-wide information programme, account being taken of relevant experience;

Whereas, in order to ensure that the deadline for the presentation of the report by the contractor is complied with, provision should be made where that deadline is exceeded for an amount to be withheld from the Community funds allocated;

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

1. Under the conditions laid down in this Regulation publicity and promotional measures advocating human consumption of milk and milk products in the Community shall be financed wholly or in part.

2. The following may qualify as measures within the meaning of paragraph 1 :

- (a) seminars, courses and conferences designed to provide personnel engaged in marketing milk and milk products or in spreading awareness about the consumption of these products with information and training or to recycle such persons;
- (b) the implementation of a Community-wide information programme; this measure can only be carried out after issuing an invitation to tender approved by the Commission;
- (c) any other publicity and promotion measure selected by the Commission in accordance with the procedure laid down in Article 5.

3. These measures shall be carried out within one year of the signing of contracts as referred to in Articles 5(1)(c) or 6(1). However, a longer time limit may be agreed in exceptional cases to ensure maximum effectiveness of the measure in question.

4. The time limit fixed in paragraph 3 shall not prevent subsequent agreement to an extension of that limit where the party to a contract makes an appropriate application to the competent authority before its expiry date and provides evidence that, owing to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, this extension may not exceed six months.

5. Measures as referred to in paragraph 2(c) carried out with effect from 1 February 1991 may qualify for Community financing.

Article 2

1. The publicity and promotional measures referred to in Article 1 :

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 44.

⁽³⁾ OJ No C 272, 28. 10. 1986, p. 3.

- (a) with the exception of the measure referred to in Article 1 (2) (b), shall be proposed by organizations representing the dairy sector in one or more Member States or in the Community and shall be limited to the territory of the Member State or States whose dairy sector is represented by the organization concerned ;
- (b) shall be carried out as far as possible by the organization which has made the proposal or submitted the tender. In cases where that organization must use subcontractors, the proposal or tender must contain a duly justified application for a derogation ;
- (c) must :
- make use of the publicity media best suited to ensure maximum effectiveness for the measure undertaken ;
 - take account of the particular conditions obtaining with regard to the marketing and consumption of milk and milk products in the various regions of the Community ;
 - be of a general nature and not orientated towards particular brand names or firms ;
 - promote Community milk products without reference to their country or region of manufacture ; however, this condition does not exclude the mention of the traditional name of a product which includes a specified locality, region or country of the Community ;
 - not replace similar measures but, where appropriate, expand them.

Proposals or tenders put forward by organizations whose activities are exclusively or in part concerned with the production, distribution or sales promotion of products which imitate milk and milk products shall not be taken into consideration.

2. The measures referred to in Article 1 shall be carried out by bodies which :
- (a) have the necessary qualifications and experience ;
- (b) ensure the satisfactory completion of the work ;
- (c) in the case of the measure referred to in Article 1 (2) (b), provide evidence that they have already successfully carried out promotional and publicity measures at international level.
3. Community financing is hereby limited to 90 %, with the exception of the measure referred to in Article 1 (2) (b), for which it is hereby increased to 100 %.
4. For the purposes of paragraph 3, no account shall be taken of administrative expenses incurred in carrying out

the measures in question. This provision shall not apply to the measure referred to in Article 1 (2) (b).

5. Financing of general expenses incurred in carrying out the measures referred to in Article 1 shall be limited to 2 % of the total amount approved, up to a maximum of ECU 10 000.

Article 3

1. Interested parties are invited to forward to the competent authority designated by the Member State in which the head office of the organization concerned is situated, hereinafter referred to as the 'competent authority', detailed proposals concerning the measures referred to in Article 1 (2) (a) and (c).

Should be proposed measures be carried out wholly or partly in the territory of one or more Member States other than that in which the head office of the organization concerned is situated, the organization shall send a copy of its proposal to each of the competent authorities in those other Member States.

Proposals must reach the competent authority before 1 July 1991. Where this date is not complied with, proposals shall be considered null and void.

2. Further rules for the submission of proposals shall be as set out in the Annex.

3. The tendering procedure concerning the measure referred to in Article 1 (2) (b) shall be opened by the publication in the C series of the *Official Journal of the European Communities* of a notice setting out in particular the final date for the submission of tenders.

Article 4

1. Complete proposals or tenders shall include :

- (a) the name and address of the party concerned ;
- (b) all details concerning the measures proposed together with detailed descriptions and considerations, indicating the time required for completion, the expected results and any third party who may be involved ;
- (c) a detailed presentation of the planned strategy for the whole programme ;
- (d) the price asked for these measures, net of taxes, expressed in ecus, giving an itemized breakdown of this amount and showing the corresponding financing plan ;
- (e) the desired form of payment of the Community financing in accordance with Article 7 (1) (a), (b) or (c) ;
- (f) The most recent report available on the party's activities, unless this is already in the possession of the competent authority.

2. Proposals or tenders shall be valid only where they are accompanied by a written undertaking to comply with the provisions of this Regulation and the implementation criteria laid down by the Commission departments and put at the disposal of the parties concerned by the competent authority or the Commission. The implementation criteria shall be attached to the contract referred to in Article 5 (1) (c) or that referred to in Article 6 (1) (c) and form an integral part of those contracts.

Article 5

1. In the case of the measures referred to in Article 1 (2) (a) and (c):

- (a) before 1 August 1991, the competent authority shall compile a list of all the proposals received and forward it to the Commission together with copies of each proposal, including any supporting documents, and a reasoned opinion indicating whether the proposal complies with the provisions applying;
- (b) before 1 October 1991, the competent authority shall examine on a bilateral basis with the Commission and an expert group composed of experts on marketing, advertising and sales techniques all proposals received and any supporting documents;
- (c) after consulting the relevant interested groups and following examination of the proposals by the Management Committee for Milk and Milk Products in accordance with Article 31 of Council Regulation (EEC) No 804/68⁽¹⁾, the Commission shall establish before 1 November 1991 a list of the proposals selected for financing and determine the date by which the competent authorities must conclude contracts for the measures selected with the interested parties. The contracts shall be concluded in at least two copies signed by the party concerned and the competent authority. For that purpose the competent authorities shall use standard contracts to be provided by the Commission.

2. In the case of the measure referred to in Article 1 (2) (b), the Commission, within the period laid down in the call for tenders, after consulting the relevant interested groups and following examination of the tenders by the Management Committee for Milk and Milk Products in accordance with Article 31 of Regulation (EEC) No 804/68, shall select the successful tender.

3. The competent authority or the Commission shall inform each applicant as soon as possible of the decision taken in respect of his proposal or tender.

Article 6

1. The contract referred to in Article 5 (1) (c) and that concluded on completion of the tendering procedure shall include the details referred to in Article 4 (1) and (2) or make reference to them and supplement those details, where necessary, by additional conditions.

2. In the case of the measures referred to in Article 1 (2) (a) and (c), the competent authority:

- (a) shall send a copy of the contract to the Commission forthwith;
- (b) ensure compliance with the agreed conditions, in particular by means of on-the-spot checks.

Article 7

1. Payment to the party concerned shall be effected in accordance with the choice indicated in the latter's proposal or in the tender:

- (a) within six weeks of the date of signature of the contract, a single advance payment amounting to 60 % of the Community contribution or financing;
- or
- (b) at two-monthly intervals, four equal instalments each amounting to 20 % of the Community contribution or financing, the first such instalment being payable within six weeks of the date of signature of the contract; or
- (c) within six weeks of the date of signature of the contract, a single advance payment amounting to 80 % of the Community contribution or financing; however, this form of payment may be stipulated only for measures which will be fully completed within a maximum of two months of the date of signature of the contract.

However, while a contract is being performed, the Commission or the competent authority may:

- defer payment of an advance either wholly or in part where it finds, in particular during the checks referred to in Article 6 (2) (b). Irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the advance and the date when the party concerned will actually incur the forecast expenditure;
- in exceptional cases, bring forward the payment of an advance either wholly or in part if the party concerned submits a reasoned application and shows that he must incur a substantial part of the expenditure significantly earlier than the date laid down for payment.

2. The payment of each advance shall be conditional upon the lodging with the Commission or the competent authority of a security equal to the amount of the advance, plus 10 %.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

3. Securities shall be released and the balance shall be paid subject to:

- (a) the forwarding to the Commission or the competent authority of the report referred to in Article 8 (1) and to verification of the details contained in that report; and
- (b) confirmation by the Commission or the competent authority that the party concerned has fulfilled his obligations as laid down in the contract; and
- (c) the competent authority finding that the party concerned or any third party named in the contract has spent his own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, securities shall be forfeit. In that event, the amount in question shall be deducted from the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for one of the measures referred to in Article 1 shall submit to the Commission and to the competent for execution of the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular as regards the trend in sales of milk and milk products, if the report is submitted later than four months after the final date, 10 % of the Community contribution or financing shall be withheld for each month commenced after expiry of that time limit.

2. The competent authority concerned shall forward to the Commission a statement to the effect that each contract has been performed satisfactorily together with a copy of the final report.

Article 9

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, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

In accordance with Article 3 (3) of Commission Regulation (EEC) No 1657/91 of on the implementation of promotional and publicity measures in respect of milk and milk products, interested parties are hereby informed that proposals are to be sent, within the time limits laid down, to the following competent authorities, in one original and five copies by registered letter or by messenger with acknowledgement of receipt :

Member State	Competent authority
Belgium	Office national du lait rue Froissart 95-99 B-1040 Bruxelles
Denmark	EF-Direktoratet Frederiksborggade 18 DK-1360 København K
Germany	Bundesanstalt für landwirtschaftliche Marktordnung (BALM) Adickesallee 40 D-6000 Frankfurt a. M.
Greece	Service for the management of agricultural products (YDAGEP) 5 Aharnonstreet Athens
France	Office national interprofessionnel du lait et des produits laitiers (ONILAIT) 2, rue St. Charles F-75740 Paris Cedex 15
Ireland	Department of Agriculture Dairying Division Floor 2 Centre Agriculture House Kildare Street IRL-Dublin 2
Italy	Azienda di Stato per gli interventi sul mercato agricolo (AIMA) Via Palestro 81 I-00198 Roma
Luxembourg	Service technique de l'agriculture 16, route d'Esch L-1470 Luxembourg
Netherlands	Produktschap voor Zuivel, Sir Winston Churchilllaan 275 NL-2288 EA Rijswijk (ZH)
United Kingdom	Intervention Board for Agricultural Produce Fountain House 2 Queens Walk GB-Reading RG1 7QW

Member State	Competent authority
Spain	Dirección General de Política Alimentaria Ministerio de Agricultura, Pesca y Alimentación Paseo Infanta Isabel 1 E-28014 Madrid
Portugal	Instituto Nacional de Intervenção e Garantia Agrícola (INGA) Rua Camilo Castelo Branco, 45, 2º P-1000 Lisboa

COMMISSION REGULATION (EEC) No 1658/91
of 14 June 1991
establishing arrangements for retrospective Community surveillance in respect
of imports of Atlantic salmon

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

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 2886/89 ⁽²⁾, and in particular Article 24 (2) thereof,

Whereas the trend in imports of Atlantic salmon is liable to cause serious disturbances on the Community market, which may endanger the objectives of Article 39 of the Treaty;

Whereas in order to ensure that the appropriate measures can if necessary be adopted without delay, temporary arrangements need to be established for retrospective Community surveillance of imports of Atlantic salmon covered by CN codes ex 0302 12 00 and ex 0303 22 00,

HAS ADOPTED THIS REGULATION:

Article 1

Temporary arrangements are hereby established for retrospective Community surveillance of imports of Atlantic

salmon classified under CN codes ex 0302 12 00 and ex 0303 22 00.

Article 2

1. The Member States shall notify the Commission without delay of quantities and free-at-frontier prices for each type of commercial presentation of products imported into the customs territory of the Community, in accordance with the particulars set out in the Annex.

2. The free-at-frontier price shall be determined in accordance with the provisions of Council Regulation (EEC) No 1224/80 ⁽³⁾.

Article 3

This Regulation shall enter into force on 1 July 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, 14 June 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 282, 2. 10. 1989, p. 1.

⁽³⁾ OJ No L 134, 31. 5. 1980, p. 1.

ANNEX

SPECIES: Atlantic Salmon (*Salmo salar*); CN-codes: ex 0302 12 00 and ex 0303 22 00

QUALITY: Superior or ordinary

MEMBER STATE:

Country of origin:

Date of import:

Definition of product	Quantity imported (in kg)	Unit price (Ecu per kg)
<p>I. Fresh or refrigerated</p> <ul style="list-style-type: none"> — whole <ul style="list-style-type: none"> 1 — 2 kg 2 — 3 kg 3 — 4 kg — gutted <ul style="list-style-type: none"> 1 — 2 kg 2 — 3 kg 3 — 4 kg — gutted and with head removed <ul style="list-style-type: none"> 1 — 2 kg 2 — 3 kg 3 — 4 kg <p>II. Frozen (all forms of presentation)</p> <ul style="list-style-type: none"> 1 — 2 kg 2 — 3 kg 3 — 4 kg 		

COMMISSION REGULATION (EEC) No 1659/91

of 14 June 1991

adopting definitive measures on the issuing of STM licences for milk and milk products in regard to Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,Whereas Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 334/91⁽⁴⁾, fixes the indicative ceiling for imports into Spain of certain products in the milk and milk products sector for 1991;

Whereas applications for STM licences lodged solely in the Community of Ten during the periods 25 to 29 March 1991 for cheese categories 5 and 6, 15 to 19 April 1991 for category 3, 13 to 17 May 1991 for category 2, relate to quantities in excess of that fraction of the indicative ceiling set aside for the second quarter of 1991;

Whereas the Commission accordingly adopted, by an emergency procedure, suitable interim protective measures by Regulations (EEC) Nos 850/91⁽⁵⁾, 1045/91⁽⁶⁾, 1352/91⁽⁷⁾; whereas definitive measures must be adopted; whereas, in view of the market situation in

Spain, an increase in indicative ceilings cannot be contemplated at present;

Whereas, as part of the definitive measures referred to in Article 85 (3) of the Act, the suspension of the issuing of STM licences provided for in the abovementioned Regulations until the end of the second quarter of 1991 should be confirmed;

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 issuing of STM licences applied for in the Community of Ten for products in the milk and milk products sector as referred to in Regulations (EEC) Nos 850/91, 1045/91 and 1352/91 is hereby definitively suspended for the second quarter of 1991.

2. Further applications for STM licences may be lodged from 18 June 1991 for all products in respect of that fraction of the indicative ceiling set aside for the third quarter of 1991.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.⁽⁴⁾ OJ No L 39, 13. 2. 1991, p. 15.⁽⁵⁾ OJ No L 86, 6. 4. 1991, p. 9.⁽⁶⁾ OJ No L 106, 26. 4. 1991, p. 39.⁽⁷⁾ OJ No L 129, 24. 5. 1991, p. 26.

COMMISSION REGULATION (EEC) No 1660/91
of 14 June 1991
fixing the aid for cotton

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1100/91⁽⁴⁾, as amended by Regulation (EEC) No 1467/91⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1100/91 to

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 49,492 per 100 kilograms.

2. However, the amount of the aid will be confirmed or replaced with effect from 15 June 1991 to take account of the guide price of cotton adopted in respect of the 1991/92 marketing year and which appear to have been offered in the largest quantities.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 110, 1. 5. 1991, p. 35.

⁽⁵⁾ OJ No L 138, 1. 6. 1991, p. 51.

COMMISSION REGULATION (EEC) No 1661/91
of 14 June 1991
temporarily suspending the advance fixing of export refunds for certain milk products

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3641/90⁽²⁾;

Having regard to 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⁽³⁾, as last amended by Regulation (EEC) No 1344/86⁽⁴⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the market for certain milk products is characterized by uncertainty; whereas the current refunds applicable could lead to speculative advance fixing of the refund; whereas it is necessary to suspend temporarily the advance fixing of refunds for the products in question;

whereas this suspension must not affect applications pending, submitted before 14 June 1991,

HAS ADOPTED THIS REGULATION:

Article 1

1. The advance fixing of export refunds for products falling within CN codes 0402 10, 0402 21, 0402 29 and 0405 00 is hereby suspended during the period 17 to 19 June 1991.

2. However, the suspension provided for in the preceding paragraph shall not apply to applications for certificates submitted before 14 June 1991, which are to be issued as from that date.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 11. 12. 1990, p. 5.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

COMMISSION REGULATION (EEC) No 1662/91
of 14 June 1991

**fixing the maximum buying-in price and the quantities of beef bought in for the
47th partial invitation to tender under Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Article 90 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 6 ⁽⁷⁾ thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 920/91 ⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EEC) No 1557/91 ⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 47th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be

applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

Whereas, moreover, since the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 are met in respect of certain Member States or regions of Member States and certain quality groups, all the tenders relating thereto which do not exceed 80 % of the intervention price should be accepted;

Whereas the period laid down in Article 90 of the Act of Accession was extended until 31 December 1991 by Council Regulation (EEC) No 3836/90 ⁽⁷⁾;

Whereas the scale of the quantities awarded in Spain and the inability of the take-over facilities to cope with the situation warrant the extension by one week of the period allowed for the delivery of the products into intervention in that Member State;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 47th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 267 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 21 501 tonnes; the quantities offered at a price greater than ECU 265 per 100 kilograms are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price lower than or equal to ECU 265 per 100 kilograms are hereby reduced by 90 %;

(b) for category C:

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 92, 13. 4. 1991, p. 23.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 144, 8. 6. 1991, p. 28.

⁽⁷⁾ OJ No L 367, 29. 12. 1990, p. 1.

- the maximum buying-in price is hereby fixed at ECU 267 per 100 kilograms of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 1 231 tonnes; the quantities offered at a price lower than ECU 265 per 100 kilograms are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price greater than or equal to ECU 265 per 100 kilograms are hereby reduced by 90 %;
- (c) in the Member States or regions of Member States which meet the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 :
- the maximum buying-in price is hereby fixed at ECU 274,4 per 100 kilograms of carcasses or half-carcasses of quality R3,
 - the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 59 451 tonnes.

Article 2

By way of derogation from the first sentence of Article 13 (2) of Regulation (EEC) No 859/89, the delivery period for the intervention products is hereby extended by one week in Spain.

Article 3

This Regulation shall enter into force on 18 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1663/91**of 14 June 1991****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

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

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

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

Whereas the rates of the refunds applicable from 1 June 1991 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EEC) No 1469/91 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1469/91 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 1469/91 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 95.

ANNEX

to the Commission Regulation of 14 June 1991 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:

White sugar:	36,39	
Raw sugar:	33,47	
Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$36,39 \times \frac{S^{(1)}}{100}$	or
If those syrups are obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:		The rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses:	—	
Isoglucose ⁽²⁾ :	36,39 ⁽³⁾	

⁽¹⁾ 'S' represents per 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 1664/91**of 14 June 1991****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1520/91 ⁽³⁾, as amended by Regulation (EEC) No 1600/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1520/91 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1520/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 142, 6. 6. 1991, p. 14.

⁽⁴⁾ OJ No L 148, 13. 6. 1991, p. 24.

ANNEX

to the Commission Regulation of 14 June 1991 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,47 ⁽¹⁾	
1701 11 90 910	33,47 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,47 ⁽¹⁾	
1701 12 90 910	33,47 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3639
1701 99 10 100	36,39	
1701 99 10 910	36,39	
1701 99 10 950	34,39	
1701 99 90 100		0,3639

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 1665/91
of 14 June 1991
amending Regulation (EEC) No 3192/90 issuing a standing invitation to tender in
order to determine refunds on exports of olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to export of olive oil⁽³⁾, and in particular Articles 5 and 7 thereof,

Whereas Article 10 of Commission Regulation (EEC) No 3192/90⁽⁴⁾ lays down that any operator unable to take in the invitation to tender on account of the minimum quantity referred to in Article 3 of the said Regulation may apply for export licence for a quantity of less than 20 tonnes per month and receive the rate of refund fixed for the last invitation to tender;

Whereas experience has shown that certain operators who could have participated in the invitation to tender have

used this measure fraudulently; whereas, in view of the other possibilities open to small operators under Community legislation, this measure should be repealed;

Whereas the Management Committee for Oils and Fats has not reached an opinion in the time-limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Article 10 of Regulation (EEC) No 3192/90 is hereby repealed.

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, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 1. 11. 1990, p. 96.

COMMISSION REGULATION (EEC) No 1666/91

of 14 June 1991

fixing for the 1991 marketing year the maximum levels of the withdrawal prices for tomatoes grown under glass

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1603/91⁽²⁾, and in particular the last subparagraph of Article 18 (1) thereof,

Whereas the market in tomatoes grown under glass has different characteristics from those of the market in open-grown tomatoes; whereas tomatoes grown under glass are mainly 'Extra' class and class I products, the prices for which are considerably higher than those for open-grown products;

Whereas, in order to provide more effective support for the market in tomatoes grown under glass, producers' organizations or associations of such organizations should be allowed to fix their withdrawal price at a level higher than the Community withdrawal price; whereas, in accordance with the last subparagraph of Article 18 (1) of Regulation (EEC) No 1035/72, it appears that the maximum level of the withdrawal price for these products in the Community of Ten can justifiably be fixed by applying, to the prices fixed for the 1990 marketing year,

a variation of the same order as that applied by the Council when fixing the basic prices and buying-in prices for tomatoes for the 1991 marketing year;

Whereas a maximum withdrawal price must be fixed for Spain and Portugal for tomatoes grown under glass for the 1991 marketing year; whereas this maximum price can justifiably be fixed at 64,4 % and 82,1 % respectively, of the maximum price applicable in the Community of Ten to produce a difference equal to that existing between the basic and buying-in prices applicable in the Community of Ten and those applicable in Spain and Portugal for the 1991 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991 marketing year, producers' organizations or associations of such organizations may fix withdrawal prices, not exceeding the following maxima, in ecus per 100 kilograms net, for tomatoes grown under glass:

	Community of Ten	Spain	Portugal	
June	(17 to 20)	30,21	19,46	24,80
	(21 to 30)	27,79	17,90	22,82
July	(1 to 10)	26,02	16,76	21,36
	(11 to 20)	24,37	15,69	20,01
	(21 to 31)	22,59	14,55	18,55
August	22,59	14,55	18,55	
September	22,59	14,55	18,55	
October	22,59	14,55	18,55	
November	22,59	14,55	18,55	

Article 2

The producers' organizations shall supply the following information to the national authorities, who shall communicate it to the Commission:

- the period during which withdrawal prices are applicable,
- the levels of withdrawal prices proposed and of those applied.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 149, 14. 6. 1991, p. 12.

Article 3

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1667/91

of 14 June 1991

fixing the minimum purchase price for lemons delivered for processing and the amount of the financial compensation after processing of such lemons until the end of the 1991/92 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons⁽¹⁾, as last amended by Regulation (EEC) No 1199/90⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 1 (3) of Regulation (EEC) No 1035/77, the minimum price which processors must pay to producers is fixed at 105 % of the average withdrawal price, calculated in accordance with the first indent of Article 18 (1) (a) of Regulation (EEC) No 1035/72⁽³⁾, as last amended by Regulation (EEC) No 1603/91⁽⁴⁾ from the 1991/92 marketing year; whereas the minimum prices for Spain and Portugal are fixed respectively at 130 % and 105 % of the average withdrawal price;

Whereas, in accordance with Article 2 of Regulation (EEC) No 1035/77, the financial compensation cannot exceed the difference between the minimum purchase price referred to in Article 1 of that Regulation and the prices applying to the raw material in producer third countries;

Whereas the provisions applicable where a product harvested in Spain or Portugal is processed in another Member State should be specified owing to the varying amounts fixed for those Member States;

Whereas for the present marketing year the minimum purchase price and the amount of the financial compensation for the said products has already been fixed until 16 June by Commission Regulation (EEC) No 1442/91⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1991/92 marketing year, the minimum price referred to in Article 1 (3) of Regulation (EEC) No 1035/77 is hereby fixed as follows:

(ECU/100 kg net)

Spain	Portugal	Other Member States
12,31	10,13	13,82

2. The minimum price shall be fixed for goods ex-producers' packing stations.

Article 2

For the 1991/92 marketing year, the financial compensation referred to in Article 2 of Regulation (EEC) No 1035/77 is hereby fixed as follows:

(ECU/100 kg net)

Spain	Portugal	Other Member States
6,29	4,11	7,8

Article 3

The minimum price and the financial compensation applicable shall be those in force in the Member State in which the product was harvested.

Article 4

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 61.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 149, 14. 6. 1991, p. 12.

⁽⁵⁾ OJ No L 137, 31. 5. 1991, p. 32.

COMMISSION REGULATION (EEC) No 1668/91

of 14 June 1991

reducing the basic price and buying-in price for peaches, nectarines and lemons for the 1990/91 marketing year following the overrun of the intervention threshold for 1990/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1623/91 ⁽²⁾, and in particular Article 16b (4) thereof,

Whereas Commission Regulation (EEC) No 1388/90 ⁽³⁾ fixed the intervention thresholds for the 1990/91 marketing year at 336 900 tonnes for peaches, 53 900 tonnes for nectarines and 390 400 tonnes for lemons;

Whereas Article 3 of Council Regulation (EEC) No 1197/90 of 7 May 1990 laying down specific measures for the application of certain intervention thresholds in the fruit and vegetables sector for the 1990/91 marketing year ⁽⁴⁾ lays down that where the sum of the quantities of peaches, nectarines or lemons bought in in Portugal, on the one hand, and in the Community with the exception of Portugal, on the other hand, pursuant to Articles 15, 15a, 15b, 19 and 19a of Regulation (EEC) No 1035/72 during the 1990/91 marketing year exceeds the sum of the intervention thresholds fixed for that product, for all or part of the marketing year, the basic and buying-in prices fixed for that product for the 1991/92 marketing year shall be reduced in the case of peaches, nectarines and lemons by 1 % for every 23 000 tonnes, 3 000 tonnes and 11 200 tonnes respectively by which the intervention threshold is exceeded;

Whereas, pursuant to Article 2 (2) of Regulation (EEC) No 1388/90, the overrun in the intervention threshold fixed for lemons for the 1990/91 marketing year is to be assessed on the basis of quantities bought in between 1 March 1990 and 28 February 1991;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 1199/90 of 7 May 1990 amending Regulation (EEC) No 1035/77, laying down special measures to encourage the marketing of products processed from lemons and amending the rules for applying the intervention threshold for lemons ⁽⁵⁾, the quantities of lemons delivered for processing under Regulation (EEC) No

1035/77 ⁽⁶⁾ are added to the quantities bought in for the purposes of assessing the overrun in the intervention threshold fixed for that product pursuant to Article 16b of Regulation (EEC) No 1035/72;

Whereas, on the basis of information supplied by the Member States, the intervention measures taken by the Community for the 1990/91 marketing year related to 505 229 tonnes for peaches, 128 830 tonnes for nectarines and 466 744 tonnes for lemons; whereas the Commission therefore notes an overrun in the intervention thresholds fixed for that marketing year of 168 329 tonnes for peaches, 74 930 tonnes for nectarines and 76 344 tonnes for lemons;

Whereas consequently the basic and buying-in prices for peaches, nectarines and lemons for the 1991/92 marketing year, as fixed by Council Regulation (EEC) No 1622/91 of 13 June 1991, fixing for the 1991/92 marketing year certain prices and other amounts in the fruit and vegetables sector ⁽⁷⁾, must be reduced for peaches by 7 %, for nectarines by 20 % and for lemons by 6 %;

Whereas, pursuant to Article 18b (2) of Regulation (EEC) No 1035/72, withdrawals on the territory of the former German Democratic Republic before the end of the 1991/92 marketing year are not taken into consideration in assessing whether intervention thresholds have been exceeded;

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic and buying-in prices for peaches, nectarines and lemons for the 1991/92 marketing year, as fixed by Regulation (EEC) No 1622/91, shall be reduced by 7 % for peaches, 20 % for nectarines and 6 % for lemons and shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 17 June 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 133, 24. 5. 1990, p. 39.

⁽⁴⁾ OJ No L 119, 11. 5. 1990, p. 57.

⁽⁵⁾ OJ No L 119, 11. 5. 1990, p. 61.

⁽⁶⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽⁷⁾ OJ No L 150, 15. 6. 1991, p. 1.

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

Done at Brussels, 14 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

BASIC AND BUYING-IN PRICES

1991/92 marketing year

PEACHES

For the period 17 June to 30 September 1991

(Ecu/100 kg net)

	Basic price			Buying-in price		
	EUR 10	Spain	Portugal	EUR 10	Spain	Portugal
June (17 to 30)	42,26	40,58	42,26	23,47	22,54	23,47
July to September	39,87	38,43	39,87	22,34	21,53	22,34

These prices relate to peaches of the following varieties : Amsden, Cardinal, Charles Ingouf, Dixired, Jeronimo, J.H. Hale, Merrill Gemfree, Michelini, Red Haven, San Lorenzo, Springcrest and Springtime, quality Class I, size 61 to 67 mm, put up in packages.

NECTARINES

For the period 17 June to 31 August 1991

(Ecu/100 kg net)

	Basic price	Buying-in price
June (17 to 30)	47,84	22,96
July to August	43,46	20,86

These prices relate to nectarines of the following varieties : Armking, Crimsongold, Early sun grand, Fantasia, Independence, May Grand, Nectared, Snow Queen and Stark red gold, quality Class I, size 61 to 67 mm, put up in packages.

LEMONS

For the period 17 June 1991 to 31 May 1992

(Ecu/100 kg net)

	Basic price			Buying-in price		
	EUR 10	Spain	Portugal	EUR 10	Spain	Portugal
June (17 to 30)	40,18	28,24	30,68	23,59	16,61	17,95
July	41,19	28,81	31,69	24,22	16,67	18,58
August	40,76	28,57	31,26	24,09	16,90	18,45
September	36,38	26,10	26,88	22,69	16,11	17,05
October	34,21	24,87	24,71	22,24	15,96	16,03
November	33,20	24,30	23,70	19,39	14,24	13,75
December	32,57	23,94	23,07	19,14	14,10	13,50
January	33,58	24,51	24,08	19,65	14,39	14,01
February	32,32	23,80	22,82	19,02	14,03	13,38
March	33,71	24,59	24,21	19,65	14,39	14,01
April	35,36	25,52	25,86	20,66	14,96	15,02
May	36,24	26,02	26,74	21,17	15,25	15,53

These prices relate to lemons of quality Class I, size 53 to 62 mm, put up in packages.

Note :

The prices in this Annex do not include the cost of the packaging in which the products are put up.

COMMISSION REGULATION (EEC) No 1669/91

of 14 June 1991

laying down definitive measures on the issuing of STM licences for beef and veal
in trade with Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 4026/89 of 22 December 1989 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector between the Community as constituted at 31 December 1985 and Spain⁽³⁾, as last amended by Regulation (EEC) No 840/91⁽⁴⁾, sets the annual indicative ceiling for imports into Spain of certain beef and veal products;

Whereas STM licences issued in response to applications lodged from 29 April to 3 May 1991 have exhausted that fraction of the indicative ceiling set aside for the second quarter of 1991 for fresh or chilled meat;

Whereas the Commission accordingly adopted, by an emergency procedure, appropriate interim protective measures by Regulation (EEC) No 1228/91⁽⁵⁾; whereas definitive measures must be adopted; whereas, in view of

the situation of the market in Spain, an increase in the indicative ceiling cannot be contemplated;

Whereas, as a definitive measure as referred to in Article 85 (3) of the Act of Accession, the abovementioned interim protective measures should be confirmed in order to prevent any disturbance on the Spanish market;

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

HAS ADOPTED THIS REGULATION:

Article 1

For fresh or chilled beef or veal:

1. the issuing of STM licences in response to applications lodged from 29 April to 3 May 1991 is hereby definitively discontinued;
2. further applications for STM licences may be lodged from 17 June 1991.

Article 2

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

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 382, 30. 12. 1989, p. 62.

⁽⁴⁾ OJ No L 85, 5. 4. 1991, p. 23.

⁽⁵⁾ OJ No L 116, 9. 5. 1991, p. 64.

COMMISSION REGULATION (EEC) No 1670/91

of 14 June 1991

derogating, for the 1991/92 marketing year, from Regulation (EEC) No 3322/89 determining the operative events applicable in the fruit and vegetables sector as regards the processing of lemons and intervention measures for cauliflowers, apricots, peaches, nectarines, lemons and tomatoes and from Regulation (EEC) No 1562/85 as regards the processing of lemons

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾, and in particular Article 5 (3) thereof,

Having regard to Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons⁽³⁾, as last amended by Regulation (EEC) No 1199/90⁽⁴⁾, and in particular Article 3 thereof,

Whereas Article 1 of Commission Regulation (EEC) No 3322/89 of 3 November 1989 determining the operative events applicable in the fruit and vegetables sector⁽⁵⁾ provides that the operative event for the agricultural conversion rate applicable to intervention operations involving fresh fruit and vegetables during a given marketing year is to occur for each product on the day of entry into force of the basic and buying-in prices for that product for that marketing year; whereas the basic and buying-in prices for apricots, peaches and nectarines for the 1991/92 marketing year came into force on 1 June 1991 and for tomatoes on 11 June 1991 and the amounts in place of basic and buying-in prices for cauliflowers came into force on 1 May 1991;

Whereas Article 3 of Regulation (EEC) No 3322/89 lays down that, for lemons delivered for processing into juice between 1 June and 30 November pursuant to Regulation (EEC) No 1035/77, the operative event for the agricultural conversion rate applicable for entitlement to the financial compensation is to be deemed to have occurred on 1 June and that the agricultural conversion rate applicable to the minimum price is to be the agricultural conversion rate in force on 1 June;

Whereas Council Regulation (EEC) No 1640/91 of 13 June 1991 amending Regulation (EEC) No 1678/85 fixing the conversion rates to be applied in agriculture⁽⁶⁾ amends the agricultural conversion rate applicable for cauliflowers, apricots, peaches, nectarines, lemons and tomatoes with effect from 17 June 1991; whereas this rate should be applied, on the one hand, to all intervention operations carried out with regard to those products from the date of entry into force of this Regulation until the end of the 1991/92 marketing year for each of those products and, on the other hand, to operations to process lemons into juice carried out between the date of entry into force of this Regulation and 30 November 1991 under Regulation (EEC) No 1035/77; whereas, therefore, derogations should be introduced from Articles 1 and 3 of Regulation (EEC) No 3322/89;

Whereas, in order to ensure adequate control of the measures provided for, derogation should also be introduced from Articles 13 and 20 of Commission Regulation (EEC) No 1562/85 of 7 June 1985 laying down detailed rules for the application of measures to encourage the processing of certain citrus fruit and the marketing of products processed from lemons⁽⁷⁾, as last amended by Regulation (EEC) No 1496/91⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 1 of Regulation (EEC) No 3322/89, the operative event for the agricultural conversion rate applicable to intervention operations involved cauliflowers, apricots, peaches, nectarines, lemons and tomatoes carried out during the 1991/92 marketing year from the date of entry into force of this Regulation, in accordance with Articles 15, 15 (b), 19 and 19 (a) of Regulation (EEC) No 1035/72 shall occur on 17 June 1991.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 125, 19. 5. 1977, p. 3.

⁽⁴⁾ OJ No L 119, 11. 5. 1990, p. 61.

⁽⁵⁾ OJ No L 321, 4. 11. 1989, p. 32.

⁽⁶⁾ OJ No L 150, 15. 6. 1991, p. 38.

⁽⁷⁾ OJ No L 152, 11. 6. 1985, p. 5.

⁽⁸⁾ OJ No L 140, 4. 6. 1991, p. 17.

2. Notwithstanding Article 3 (1) of Regulation (EEC) No 3322/89, the operative event for the agricultural conversion rate applicable to the entitlement to financial compensation referred to in Article 2 (1) of Regulation (EEC) No 1035/77 shall occur on 17 June 1991 for lemons delivered for processing between the date of entry into force of this Regulation and 30 November 1991.

3. Notwithstanding Article 3 (2) of Regulation (EEC) No 3322/89, the conversion rate applicable to the minimum price referred to in Article 1 (3) of Regulation (EEC) No 1035/77 shall be the agricultural rate in force on 17 June 1991 for lemons delivered for processing between the date of entry into force of this Regulation and 30 November 1991.

Article 2

1. The competent authorities designated by the Member States shall ensure that the minimum price

contained in contracts concluded before the date of entry into force of this Regulation and remaining unfulfilled at that date are amended in accordance with Article 1.

2. The applications for the granting of financial compensation referred to in Article 13 (1) of Regulation (EEC) No 1562/85 and the communications made by Member States in accordance with Article 20 of the same Regulation shall, with regard to lemons of the 1991/92 marketing year, distinguish between quantities delivered to the industry before the date of entry into force of this Regulation and those delivered after that date.

Article 2

This Regulation shall enter into force on 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1671/91

of 14 June 1991

fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 June 1991.

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 14 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 14 June 1991 fixing the export refunds on olive oil

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 100	11,00
1509 10 90 900	0,00
1509 90 00 100	24,00
1509 90 00 900	0,00
1510 00 90 100	1,50
1510 00 90 900	0,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

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 1672/91

of 14 June 1991

fixing the import levies on white sugar and raw sugar

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90⁽³⁾, as last amended by Regulation (EEC) No 1598/91⁽⁴⁾;

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⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 13 June 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 148, 13. 6. 1991, p. 21.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 14 June 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,98 ⁽¹⁾
1701 11 90	36,98 ⁽¹⁾
1701 12 10	36,98 ⁽¹⁾
1701 12 90	36,98 ⁽¹⁾
1701 91 00	40,39
1701 99 10	40,39
1701 99 90	40,39 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1673/91

of 14 June 1991

**altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 18 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 19 ⁽⁴⁾ thereof,Whereas the refunds on syrups and certain other sugar products were fixed by Regulation (EEC) No 1454/91 ⁽³⁾;

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

1454/91 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1454/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.
⁽³⁾ OJ No L 138, 1. 6. 1991, p. 11.

ANNEX

to the Commission Regulation of 14 June 1991 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		36,39
1702 60 10 000		36,39
1702 60 90 000	0,3639	
1702 90 30 000		36,39
1702 90 60 000	0,3639	
1702 90 71 000	0,3639	
1702 90 90 900	0,3638	
2106 90 30 000		36,39
2106 90 59 000	0,3639	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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 1674/91

of 14 June 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1453/91 ⁽³⁾, as amended by Regulation (EEC) No 1511/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1453/91 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

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

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

rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1453/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.⁽³⁾ OJ No L 138, 1. 6. 1991, p. 9.⁽⁴⁾ OJ No L 141, 5. 6. 1991, p. 19.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 14 June 1991 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4039	—
1702 20 90	0,4039	—
1702 30 10	—	52,52
1702 40 10	—	52,52
1702 60 10	—	52,52
1702 60 90	0,4039	—
1702 90 30	—	52,52
1702 90 60	0,4039	—
1702 90 71	0,4039	—
1702 90 90	0,4039	—
2106 90 30	—	52,52
2106 90 59	0,4039	—

COMMISSION REGULATION (EEC) No 1675/91

of 14 June 1991

altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 1621/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1621/91

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1621/91 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 149, 14. 6. 1991, p. 61.

ANNEX

to the Commission Regulation of 14 June 1991 altering the export refunds on cereals fixing
and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	25,00
	06	30,00
	02	20,00
1001 90 91 000	—	—
1001 90 99 000	04	25,00
	05	24,00
	06	30,00
	07	28,00
	02	20,00
1002 00 00 000	03	25,00
	05	24,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	25,00
	06	30,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	119,00
1101 00 00 130	01	105,00
1101 00 00 150	01	97,00
1101 00 00 170	01	90,00
1101 00 00 180	01	80,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	119,00
1102 10 00 900	—	—
1103 11 10 100	01	150,00
1103 11 10 200	01	150,00
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	119,00
1103 11 90 900	—	—

-
- (¹) The destinations are identified as follows:
- 01 All third countries,
 - 02 Other third countries,
 - 03 Switzerland, Austria and Liechtenstein,
 - 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
 - 05 Zone II (b),
 - 06 The Soviet Union,
 - 07 Korea.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 1676/91

of 14 June 1991

introducing a countervailing charge on fresh lemons originating in Argentina

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3920/90⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 1438/91 of 30 May 1991 fixing for the 1991/92 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of June 1991 at ECU 54,59 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72 according to the dispositions of Commission Regulation (EEC) No 3982/89 of 20 December 1989 altering the entry price for citrus fruit originating in certain Mediterranean third countries⁽⁴⁾; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for 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 previous indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 3,50 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Argentina.

Article 2

This Regulation shall enter into force on 18 June 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 137, 31. 5. 1991, p. 25.

⁽⁴⁾ OJ No L 380, 29. 12. 1989, p. 24.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ 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, 14 June 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1677/91

of 14 June 1991

repealing Regulation (EEC) No 1543/91 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Israel

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 1627/75 of 26 June 1975 on imports of lemons originating in Israel⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 1543/91 of 5 February 1987⁽²⁾ applied the duty in the Common Customs Tariff to imports of lemons originating in Israel;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1627/75, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Israeli products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1627/75 are fulfilled; whereas Regulation (EEC) No 1543/91, should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 1543/91 is hereby repealed.

Article 2

This Regulation shall enter into force on 15 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 165, 28. 6. 1975, p. 9.

⁽²⁾ OJ No L 143, 7. 6. 1991, p. 30.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 May 1991

concerning applications for the refund of anti-dumping duties collected on certain imports of compact disc players originating in Japan

(Analog und Digital Systeme GmbH)

(Only the German text is authentic)

(91/302/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

paid on import of compact disc players produced and exported by Asahi Corporation. The applications cover imports between July 1989 and December 1990. The total amount requested is DM [...] ⁽²⁾, representing all the anti-dumping duty paid on the imports in question. The applications, addressed to the German customs authorities, were forwarded to the Commission. The applicant was asked to supply data permitting the calculation of normal value for the six months preceding each import operation, as provided for in points I (3) (B) (a) and I (7) of the Commission notice concerning the reimbursement of anti-dumping duties⁽⁴⁾.

A. PROCEDURE

- (1) Council Regulation (EEC) No 112/90⁽²⁾ imposed a definitive anti-dumping duty on imports of certain compact disc players originating in Japan and the Republic of Korea. A duty of 32 % was imposed on products originating in Japan, save where otherwise provided. Since Asahi Corporation was not among the exporters to which a lower duty was applied, imports into the Community of its compact disc players are subject to a duty of 32 %.
- (2) Between May 1990 and January 1991, Analog und Digital Systeme, an independent importer based in Kronberg am Taunus, Germany, made eight applications for refund of definitive anti-dumping duties

- (3) The Commission asked the applicant for further information, which was submitted within the time limits. The Commission also visited the premises of Asahi Corporation, in Japan, to verify data regarding normal value which Asahi Corporation supplied to the Commission at the request of the applicant.
- (4) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 13, 17. 1. 1990, p. 21.

⁽³⁾ In accordance with article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

- (5) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. THE APPLICANT'S ARGUMENTS

- (6) Essentially, the applicant argued that it had paid export prices significantly in excess of normal value.

C. ADMISSIBILITY

- (7) Article 16 of Regulation (EEC) No 2423/88 provides that applications for refund of anti-dumping duty must be submitted within three months of the date on which the amount of the definitive duties to be levied was duly determined. Some of the applications, however, concern a period outside the time limit, for which refund applications had already been made in respect of other imports. The imports in question occurred in February and March 1990.

The Commission finds that it was the applicant's practice to make refund applications for all its imports and that it had already submitted within the time limit applications regarding other imports in February and March 1990. The applicant had thereby expressed the intention to apply for refund of anti-dumping duty levied on all transactions during this period.

It would not therefore be reasonable to consider the applications inadmissible on the grounds that the invoices in question were not included in the overall applications for February and March 1990.

All the applications must therefore be considered admissible.

D. MERITS OF THE CLAIM

- (8) The applications must be accepted in part. Article 16 (1) of Regulation (EEC) No 2423/88 makes it the responsibility of the importer who has paid an anti-dumping duty and is applying for refund of that duty to show that the duties collected exceed the dumping margin calculated for the relevant reference period. This actual dumping margin must normally be calculated using the same method as that applied during the initial investigation.
- (9) Asahi Corporation did not cooperate in the initial Commission investigation. The Commission was therefore obliged to calculate the dumping margin

for the compact disc players produced by this firm. It was not possible to calculate normal value on the basis of either comparable prices actually paid or payable in normal commercial transactions concerning the like product intended for the Japanese domestic market or prices charged for exports to a third country, since Asahi Corporation made no such sales. The Commission therefore constructed normal value by adding a reasonable profit margin to the cost of production, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

- (10) Since normal value had to be constructed, it seemed logical to make use in the calculation of the verified production costs for a one-year reference period from 1 March 1989 to 28 February 1990. This period was chosen as being more representative than the six-month periods preceding each import operation, which could have been used had normal value been calculated on the basis of prices on Japan's domestic market.
- (11) The reasonable profit margin for addition to the cost of production for sales to an OEM (original equipment manufacturer), such as Analog und Digital Systeme GmbH, was calculated using data on the usual profit on OEM sales of compact disc players during the period under consideration, gathered during on-the-spot verification.
- (12) The ex-factory normal value and export prices were always calculated in a way which permitted fair comparison. Anything likely to distort the calculation, such as adjustments for costs related to certain kinds of equipment intended for the manufacture of compact disc players, was discounted.
- (13) The Commission considered that the information supplied by the applicant and the exporter regarding the normal value and export prices of the different models was sufficient for it to calculate the actual dumping margin. Dumping margins were calculated by comparing the normal value of each model with the export price of each consignment from Asahi Corporation released for free circulation in the Community during the period under consideration.

The actual dumping margin was found to be lower than that used to determine the rate of duty levied. While Asahi Corporation was found to have dumped exports, it had done so at a level lower than the highest dumping margin established in Regulation (EEC) No 112/90. The Commission found that the margin of dumping on the imports

from Asahi was 2,5 % for those covered by the application submitted on 3 May 1990 and 5,2 % for those covered by the other applications, submitted between 25 May 1990 and 7 January 1991.

E. AMOUNT TO BE REIMBURSED

- (14) The amount to be reimbursed to Analog und Digital Systeme GmbH, representing the difference between the rate of duty collected and the actual dumping margin, comprises 29,5 % (32 % - 2,5 %) of the value used by the relevant authorities to calculate the level of anti-dumping duty in the case of the imports covered by the admissible application submitted on 3 May 1990 and 26,8 % (32 % - 5,2 %) for those covered by the other admissible applications, submitted between 25 May 1990 and 7 January 1991,

HAS ADOPTED THIS DECISION :

Article 1

The applications for the refund of anti-dumping duties submitted by Analog und Digital Systeme GmbH are hereby granted to the amount of 29,5 % of the value used

by the relevant authorities to calculate the level of anti-dumping duty in the case of the imports covered by the application submitted on 3 May 1990 and 26,8 % for those covered by the applications submitted between 25 May 1990 and 7 January 1991.

Article 2

The amount set out in Article 1 shall be refunded by the German authorities.

Article 3

This Decision is addressed to the Federal Republic of Germany and Analog und Digital Systeme GmbH, Am Auernberg 12, D-6242 Kronberg am Taunus, Germany.

Done at Brussels, 23 May 1991.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 12 June 1991

terminating the anti-dumping proceeding concerning imports of thin polyester film originating in the Republic of Korea

(91/303/EEC)

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 Community⁽¹⁾, and in particular Article 9 thereof,

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

Whereas :

A. PROCEDURE

(1) In October 1989, the Commission, by Decision 89/560/EEC⁽²⁾, terminated an anti-dumping proceeding concerning imports of all thicknesses of polyester film originating in the Republic of Korea without the imposition of measures. Subsequently, a second complaint was lodged by the European Plastic Films, Membrane and Covering Manufacturers Association (AEC) on behalf of producers representing the total Community output of the product concerning imports of polyester film below 25 microns in thickness (thin PET film) originating in the Republic of Korea (hereafter called 'Korea'). The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of polyester film, falling within CN codes 3919 10 31, 3919 90 31, 3920 62 00, 3920 63 00, 3920 69 00, 3921 90 19 and commenced an investigation.

(2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the

complainant, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) The Commission, for the purpose of obtaining all the information it deemed to be necessary, sent questionnaires to the exporters in Korea and importers in the Community known to be concerned. Both the known exporters and certain importers completed the questionnaires.

(4) The Commission also sent questionnaires to the four companies on whose behalf the complaint was made, in order to allow each company to demonstrate the injury caused to it by imports of thin PET film from Korea. The Commission carried out a detailed analysis of those four companies who returned completed questionnaires and whose combined production represented the total Community output.

(5) Both the known producers/exporters and some importers known to be concerned submitted their views in writing and the producers/exporters requested and were granted hearings. The complainant also made its views known in writing and requested and was granted a hearing.

(6) The Commission verified the information received to the extent it deemed necessary and carried out investigations at the premises of the following companies :

(a) *Community producers :*

- Du Pont de Nemours, Luxembourg ;
- Hoechst AG, Wiesbaden, Germany,
- ICI, Welwyn Garden City, Hertfordshire, United Kingdom ;
- Rhône-Poulenc, Lyon, France ;

(b) *Korean producers/exporters :*

- Kolon Industries Inc., Seoul ;
- SKC Ltd., Seoul.

(7) The investigation of dumping covered the year 1989. The trends in the relevant economic factors to determine whether the Community industry is suffering material injury were examined for the years 1987 to 1989.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 305, 21. 10. 1989, p. 31.

⁽³⁾ OJ No C 24, 1. 2. 1990, p. 7.

B. INJURY**(a) Imports — volumes and prices**

- (8) With regard to the injury allegedly being caused by the imports concerned, the evidence available to the Commission showed that imports of thin PET film to the Community from Korea increased from 2 532 tonnes in 1987 to 2 869 tonnes in 1989.
- (9) As regards market share, it has not been found possible to reflect this development in the volume of imports in accurate percentage terms given the difficulties in assessing consumption of thin PET film in the Community, where certain figures (notably imports from third countries) more commonly relate to all thicknesses of polyester film. However, on the restricted basis of the quantity of the complainants' sales in the Community taken together only with the Korean imports, it was established that the Korean imports share of this total fell from 6,4 % in 1987 to 5,5 % in 1989. Given that this level of consumption is considerably lower than the actual rate since third country imports are not included, the Korean market share will be somewhat lower, certainly less than 5 % during the whole of the three-year period. The Commission also had no reason to believe that the decreasing trend based on restricted sales would be any different had figures on all sales been available.
- (10) With regard to price, it was established that, during the investigation period, on a product-by-product, Member State by Member State and customer-by-customer basis, the prices applied by the Korean exporters were invariably above the lowest prices of the Community producers and, in some cases, especially in the last quarter of 1989, were above even the highest prices of these producers.

(b) Community Industry — Impact

- (11) Between 1987 and 1989 Community production of thin PET film increased from 53 045 tonnes to 62 027 tonnes. During this period, in view of the increased demand in the Community, the complainants increased production capacity by some 20 %. As a result of increased volumes, a utilization rate of between 86 and 90 % was maintained during the three years examined. Indeed, several Community producers were required to import quantities from third countries in order to meet customer demand.
- (12) The complainants' sales in the Community increased from around 33 800 tonnes in 1987 to

41 900 tonnes in 1989, an increase of 24 %. Turnover also increased in this period but due to the lower prices, the increase was not commensurate with the increase in sales volume.

- (13) As far as the Community producers' prices for thin PET film are concerned, these have decreased on average by about 13 % between 1987 and 1989. Despite the complainants' claims to the contrary, this decrease appears to be independent of any competitive effect of the Korean imports in question. In the first place, as is indicated in recital 10, the prices of the Korean imports did not undercut those of the Community producers during the investigation period and, given their small (and declining market share, the Korean imports could hardly have caused price depression. Furthermore, it was noted that similar price decrease occurred in the market for thin base film for magnetic applications which accounts for 50 % of the total market for thin PET film. Korean imports of this type of film were not present in the Community market during the investigation period and were not, therefore, the cause of the complainants' fall in prices at this time.
- (14) All Community producers suffered losses on their sales of thin PET film during the investigation period. However, a detailed analysis of all markets for this product in the Community showed that, for three out of the four companies, these losses occurred mainly on sales of types of thin PET film which, given their different properties and uses, did not compete directly with the Korean imports in question.

(c) Other factors

- (15) The Commission also considered the effect of factors other than imports of the product concerned from Korea on the complainant industry, such as the volume and prices of imports from countries not subject to investigation or contraction in demand, which individually or in combination may have adversely affected the Community industry for this PET film. It was noted firstly that demand for the product had steadily increased in the Community between 1987 and 1989. As regards imports from other third countries, however, these had increased considerably during this period and by 1989 were estimated to hold a market share of some 27 %. The prices of these imports and notably of those originating in Japan were found to be in general similar to those of the Community producers, but related to types of thin PET film which were not exported by the Korean producers/exporters.

(d) Conclusion

- (16) Taking into account the relevant economic factors referred to above, the Commission has come to the conclusion that, during the investigation period, the imports from Korea in question have not caused material injury to the complainant companies as far as the production of thin PET film is concerned. Indeed, the losses sustained by certain of the complainants on sales of thin PET film in the Community cannot be imputed to the Korean imports given the relatively high prices and low volume of these imports.

(e) Issues raised

- (17) The complainants, during the course of the proceeding, made a number of allegations regarding the Korean exporters concerned which likened their behaviour to other Korean exporters on whose imports of audio tapes in cassettes to the Community a definitive anti-dumping duty has been imposed⁽¹⁾. These allegations were based mainly on the level of price undercutting established in that particular investigation but, since they concerned different exporters and a different product, the Commission saw no reason to alter its conclusions on the question of undercutting in the case of imports of thin PET film from Korea.

The complainants also submitted that the figures relating to the volume of the product concerned imported into the Community during the reference period established by the Commission during its investigation were considerably understated. There was, however, no evidence to substantiate this claim. Apart from the fact that these figures had been obtained from the exporters and were verified during the investigation, they were supported by Community statistics for imports of PET film of all thicknesses which were also in line with verified information. The complainants' figures, which were based on 'market estimates', corresponded neither to the verified figures nor to Community statistics nor even to Korean export statistics, which, in 1989, indicated a figure which was somewhat higher than those of the Community.

- (18) The complainants also alleged that the 'Korean pricing policy together with its enormous overcapacity constitutes a serious threat' of material injury

to the Community industry. On the question of threat the Commission noted that prices of Korean imports were, during the reference period, generally higher than those of the Community industry and that the rate of exports of the product concerned to the Community, while increasing between 1987 and 1989, had not kept pace with the increased demand during this period and had thus lost market share. Furthermore, the forecasts of the Korean exporters concerning the development of production capacity indicated that the total production of all types of PET film might increase. However, even if such an increase took place, Korean exports of thin PET film to the Community in 1989 amounted to only 3% of total production and the Commission received no indication that there would be significant changes in the relative volumes of the different types of PET film exported to the Community in the future.

- (19) The complainants also suggested that the imposition of an anti-dumping duty by the United States authorities concerning imports of all PET film originating in Korea to that country was sufficient reason for a finding of a threat of material injury, since the existence of such anti-dumping measures would be likely to divert the dumped imports to the Community. However, given the relatively low levels of duty (3 to 5%), and the fact that the Korean exporters have traditionally found markets other than the Community, particularly the United States more attractive, the Commission considers that this situation does not at present create a serious threat of a diversion of Korean exports from the United States to the Community. Thus the provisions of Article 4 of Regulation (EEC) No 2423/88 on threat of injury are not applicable in the case under consideration, it being understood that a change in circumstances such as significant increase in import volumes, could, in the light of the indications of previous dumping practices, justify the immediate opening of a new investigation.

C. DUMPING

- (20) In view of the above findings with respect to the cause of any material injury suffered by the Community industry, the Commission considered it unnecessary — notwithstanding the indications of the existence of dumping practices in 1989 — to further examine the question of dumping with regard to the imports concerned.

⁽¹⁾ OJ No L 119, 14. 5. 1991, p. 35.

D. TERMINATION OF THE PROCEEDING

- (21) After having been informed by the Commission of the above findings, the complainant made further representations concerning the impact of the Korean imports in question on the Community industry. The Commission considered these representations but concluded that effectively no new information or arguments had been submitted and that accordingly its findings should stand.
- (22) In these circumstances, protective measures are considered to be unnecessary and the proceeding should accordingly be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of this polyester film of a thickness below 25 microns originating in the Republic of Korea is hereby terminated.

Done at Brussels, 12 June 1991.

For the Commission

Karel VAN MIERT

Member of the Commission