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## I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2949/91  
of 8 October 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2661/91 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 7 October 1991;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2661/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 October 1991.

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

Done at Brussels, 8 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ No L 250, 7. 9. 1991, p. 1.

## ANNEX

## to the Commission Regulation of 8 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

*(ECU/tonne)*

CN code	Levy
0709 90 60	124,00 <sup>(?)</sup> <sup>(?)</sup>
0712 90 19	124,00 <sup>(?)</sup> <sup>(?)</sup>
1001 10 10	178,50 <sup>(1)</sup> <sup>(?)</sup>
1001 10 90	178,50 <sup>(1)</sup> <sup>(?)</sup>
1001 90 91	152,64
1001 90 99	152,64
1002 00 00	164,02 <sup>(6)</sup>
1003 00 10	139,17
1003 00 90	139,17
1004 00 10	125,13
1004 00 90	125,13
1005 10 90	124,00 <sup>(?)</sup> <sup>(?)</sup>
1005 90 00	124,00 <sup>(?)</sup> <sup>(?)</sup>
1007 00 90	133,94 <sup>(6)</sup>
1008 10 00	50,92
1008 20 00	122,69 <sup>(6)</sup>
1008 30 00	51,06 <sup>(?)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	51,06
1101 00 00	226,70 <sup>(6)</sup>
1102 10 00	242,63 <sup>(6)</sup>
1103 11 10	289,86 <sup>(6)</sup>
1103 11 90	244,33 <sup>(6)</sup>

- <sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- <sup>(2)</sup> 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'.
- <sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.
- <sup>(4)</sup> 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.
- <sup>(5)</sup> 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.
- <sup>(6)</sup> 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).
- <sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- <sup>(8)</sup> 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 2950/91  
of 8 October 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91<sup>(5)</sup> and subsequent amending Regulation;

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

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

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

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

Whereas these exchange rates being those recorded on 7 October 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 9 October 1991.

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

Done at Brussels, 8 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 4.

## ANNEX

to the Commission Regulation of 8 October 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	1st period	2nd period	3rd period
	10	11	12	1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	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	1st period	2nd period	3rd period	4th period
	10	11	12	1	2
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

## COMMISSION REGULATION (EEC) No 2951/91

of 8 October 1991

fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80<sup>(3)</sup>, as last amended by Regulation (EEC) No 1075/89<sup>(4)</sup>, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning the 16 September 1991, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 1 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat<sup>(5)</sup> the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89;

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.  
<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.  
<sup>(3)</sup> OJ No L 154, 9. 6. 1984, p. 27.  
<sup>(4)</sup> OJ No L 114, 27. 4. 1989, p. 13.  
<sup>(5)</sup> OJ No L 351, 2. 12. 1989, p. 18.

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning the 16 September 1991, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 1, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning the 16 September 1991, the level of the premium is fixed at ECU 90,205 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning the 16 September 1991, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

*Article 3*

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

It shall apply with effect from 16 September 1991.

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

Done at Brussels, 8 October 1991.

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

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## ANNEX

to the Commission Regulation of 8 October 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	42,396	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	90,205	0
0204 21 00	90,205	0
0204 50 11		0
0204 22 10	63,144	
0204 22 30	99,226	
0204 22 50	117,267	
0204 22 90	117,267	
0204 23 00	164,173	
0204 30 00	67,654	
0204 41 00	67,654	
0204 42 10	47,358	
0204 42 30	74,419	
0204 42 50	87,950	
0204 42 90	87,950	
0204 43 00	123,130	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	117,267	
0210 90 19	164,173	
1602 90 71 :		
— unboned (bone-in)	117,267	
— boned or boneless	164,173	

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

## COMMISSION REGULATION (EEC) No 2952/91

of 4 October 1991

concerning the stopping of fishing for 'other species' (as by-catches) by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities<sup>(1)</sup>, as amended by Regulation (EEC) No 3483/88<sup>(2)</sup>, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3928/90 of 20 December 1990 allocating, for 1991, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen<sup>(3)</sup>, as last amended by Regulation (EEC) No 2427/91<sup>(4)</sup>, provides for 'other species' (as by-catches) quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of 'other species' (as by-catches) in the waters of ICES divisions I, II (Norwegian waters north of 62°N) by vessels flying the flag of France or

registered in France have reached the quota allocated for 1991,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of 'other species' (as by-catches) in the waters of ICES divisions I, II (Norwegian waters north of 62°N) by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1991.

Fishing for 'other species' (as by-catches) in the waters of ICES divisions I, II (Norwegian waters north of 62°N) by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*This Regulation shall enter into force on the day following that 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, 4 October 1991.

*For the Commission*

Manuel MARÍN

*Vice-President*<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.<sup>(3)</sup> OJ No L 378, 31. 12. 1990, p. 46.<sup>(4)</sup> OJ No L 222, 10. 8. 1991, p. 4.

**COMMISSION REGULATION (EEC) No 2953/91**  
**of 4 October 1991**  
**concerning the stopping of fishing for haddock by vessels flying the flag of Belgium**

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities <sup>(1)</sup>, as amended by Regulation (EEC) No 3483/88 <sup>(2)</sup>, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished <sup>(3)</sup>, as last amended by Regulation (EEC) No 2381/91 <sup>(4)</sup>, provides for haddock quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of haddock in the waters of ICES divisions Vb (EC zone), VI, XII, XIV by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1991; whereas Belgium

has prohibited fishing for this stocks as from 22 September 1991; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of haddock in the waters of ICES divisions Vb (EC zone), VI, XII, XIV by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1991.

Fishing for haddock in the waters of ICES divisions Vb (EC zone), VI, XII, XIV by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply with effect from 22 September 1991.

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

Done at Brussels, 4 October 1991.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 378, 31. 12. 1990, p. 1.

<sup>(4)</sup> OJ No L 219, 7. 8. 1991, p. 2.

**COMMISSION REGULATION (EEC) No 2954/91**  
**of 4 October 1991**  
**concerning the stopping of fishing for cod by vessels flying the flag of the**  
**United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities <sup>(1)</sup>, as amended by Regulation (EEC) No 3483/88 <sup>(2)</sup>, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3934/90 of 20 December 1990 fixing catch possibilities for 1991 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention <sup>(3)</sup>, provides for cod quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of NAFO

zone 3NO by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1991,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of cod in the waters of NAFO zone 3NO by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1991.

Fishing for cod in the waters of NAFO zone 3NO by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*

This Regulation shall enter into force on the day following that 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, 4 October 1991.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 378, 31. 12. 1990, p. 69.

**COMMISSION REGULATION (EEC) No 2955/91**  
of 8 October 1991

**fixing the production levies and the coefficient for calculating the additional levy  
in the sugar sector for the 1990/91 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 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91<sup>(2)</sup>, and in particular Articles 28 (8) and 28a (5) thereof,

Whereas Article 7 (1) of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector<sup>(3)</sup>, as last amended by Regulation (EEC) No 886/91<sup>(4)</sup>, provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 28a (2) of Regulation (EEC) No 1785/81 for sugar and isoglucose are to be fixed before 15 October in respect of the preceding marketing year;

Whereas Commission Regulation (EEC) No 2787/90<sup>(5)</sup> increased, for the 1990/91 marketing year, the maximum amount referred to in the first indent of the second subparagraph of Article 28 (4) of Regulation (EEC) No 1785/81 to 37,5 % of the intervention price for white sugar;

Whereas the estimated total loss recorded in accordance with Article 28 (1) and (2) of Regulation (EEC) No 1785/81 necessitates the retention, in respect of the amounts of the production levies applicable for the 1990/91 marketing year, of the maximum amounts referred to in Article 28 of the said Regulation adjusted, where applicable, by Regulation (EEC) No 2787/90;

Whereas Article 28a (1) of Regulation (EEC) No 1785/81 provides that an additional levy is to be charged to manufacturers when the total loss recorded pursuant to Article 28 (1) and (2) of the said Regulation is not fully covered

by the receipts from the production levies; whereas the total uncovered loss for the 1990/91 marketing year amounts to ECU 15 181 320, whereas the coefficient referred to in Article 28a (2) of the said Regulation should consequently be fixed at 0,02432 which represents for the Community as a whole the ratio between the total loss recorded for the 1990/91 marketing year pursuant to Article 28 (1) and (2) of the said Regulation and the receipts from the basic production levy and the B levy for that marketing year, the ratio being reduced by 1;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The production levies in the sugar sector for the 1990/91 marketing year are hereby fixed as follows:

- (a) ECU 1,0602 per 100 kilograms of white sugar as the basic production levy on A sugar and B sugar;
- (b) ECU 19,8788 per 100 kilograms of white sugar as the B levy on B sugar;
- (c) ECU 0,4448 per 100 kilograms of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) ECU 8,3403 per 100 kilograms of dry matter as the B levy on B isoglucose.

*Article 2*

The coefficient provided for in Article 28a (2) of Regulation (EEC) No 1785/81 is hereby fixed for the 1990/91 marketing year at 0,02432.

*Article 3*

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

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

<sup>(2)</sup> OJ No L 54, 28. 2. 1991, p. 22.

<sup>(3)</sup> OJ No L 158, 9. 6. 1982, p. 17.

<sup>(4)</sup> OJ No L 90, 11. 4. 1991, p. 15.

<sup>(5)</sup> OJ No L 265, 28. 9. 1990, p. 16.

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

Done at Brussels, 8 October 1991.

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

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## COMMISSION REGULATION (EEC) No 2956/91

of 8 October 1991

amending Regulation (EEC) No 598/86 as regards the indicative ceiling for imports into Spain of common wheat of breadmaking quality for the 1991/92 marketing year

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 <sup>(1)</sup>, as amended by Commission Regulation (EEC) No 3296/88 <sup>(2)</sup>, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 598/86 of 28 February 1986 on the application of the supplementary trade mechanism to imports into Spain of common wheat of breadmaking quality from the Community as constituted at 31 December 1985 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2012/91 <sup>(4)</sup>, fixes the indicative ceiling for imports of common wheat of breadmaking quality into Spain for 1991;

Whereas, in accordance with Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) <sup>(5)</sup>, as last amended by Regulation (EEC) No 3296/88, the Commission was notified by 15 July 1991 of applications for STM licences for imports into Spain of common wheat of breadmaking quality covering quantities far exceeding the abovementioned indicative ceiling; whereas special measures were adopted in Commission Regulation (EEC) No 2116/91 of 18 July 1991 concerning applications for STM licences for cereals submitted on 15 July 1991 for imports of common wheat into Spain <sup>(6)</sup>;

Whereas, in view on the one hand of production figures for 1991 and foreseeable consumption of breadmaking common wheat in Spain and on the other hand of the desirable rate of growth of trade, the indicative ceiling provided for in Article 83 of the Act of Accession should be fixed at 650 000 tonnes for a period covering the 1991/92 marketing year;

Whereas, with a view to ensuring that the greatest number of operators are provided with minimum supplies to satisfy their requirements, the maximum quantity in respect of which each operator may submit tenders by period of application should be limited;

Whereas the fixing of an indicative ceiling by marketing year makes it unsuitable to limit the term of validity of licences to 31 December;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 598/86 is hereby amended as follows:

1. In the third indent of Article 2 (1), '10 000 tonnes' is replaced by '3 000 tonnes'.
2. The last sentence of Article 3 (1) is deleted.
3. Article 4 is replaced by the following:

*Article 4*

The indicative ceiling for imports of common wheat of breadmaking quality shall be 650 000 tonnes for the 1991/92 marketing year.

*Article 2*

Article 1 (2) of Regulation (EEC) No 2116/91 is hereby deleted.

*Article 3*

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

It shall apply to licence applications submitted from its date of entry into force.

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 16.

<sup>(4)</sup> OJ No L 185, 11. 7. 1991, p. 6.

<sup>(5)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(6)</sup> OJ No L 196, 19. 7. 1991, p. 11.

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

Done at Brussels, 8 October 1991.

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

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**COMMISSION REGULATION (EEC) No 2957/91****of 8 October 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1849/91<sup>(3)</sup>, as last amended by Regulation (EEC) No 2934/91<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1849/91 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

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

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(6)</sup>,

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

Whereas these exchange rates being those recorded on 7 October 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 9 October 1991.

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

Done at Brussels, 8 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 54, 28. 2. 1991, p. 22.

<sup>(3)</sup> OJ No L 168, 29. 6. 1991, p. 16.

<sup>(4)</sup> OJ No L 278, 5. 10. 1991, p. 20.

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

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

## ANNEX

## to the Commission Regulation of 8 October 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	37,78 <sup>(1)</sup>
1701 11 90	37,78 <sup>(1)</sup>
1701 12 10	37,78 <sup>(1)</sup>
1701 12 90	37,78 <sup>(1)</sup>
1701 91 00	43,36
1701 99 10	43,36
1701 99 90	43,36 <sup>(2)</sup>

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

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

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 9 September 1991

authorizing a joint-selling agreement for beams between Arbed SA and Usinor Sacilor SA (Europrofil)

(Only the French text is authentic)

(91/515/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 (2) thereof,

Having regard to the applications made simultaneously on 10 October 1990 by Arbed SA, Luxembourg, and Usinor Sacilor SA, Paris-La Défense, for authorization to implement a joint-selling agreement in respect of beams,

Whereas :

ECSC steel products. It has diversified extensively in recent years and is particularly active in first-stage steel processing (wire-drawing) and in the structural steelwork, engineering, cement and non-ferrous metals industries.

- (2) In 1989 the Arbed group achieved a consolidated world-wide turnover of some Lfrs 222 000 million, or ECU 5 100 million, to which Arbed contributed some Lfrs 65 000 million (ECU 1 500 million). The share of total turnover resulting from ECSC production is 71 %, with sales, distribution and trading (ECSC and EEC products) accounting for approximately 19 %.

## I. THE PARTIES

- (1) Arbed SA, Luxembourg (Arbed), is the parent company of the Arbed group with a subscribed capital of Lfrs 12 513 256 000 (ECU 288,5 million) at 31 December 1989. The group is principally engaged in the production and distribution of
- (3) Arbed is itself an ECSC producer in Luxembourg and holds shares, either directly or through its subsidiaries and sub-subsidiaries, in the following enterprises :

— Association Coopérative Zélandaise de Carbonisation UA, Sluiskil (NL)	50,00 %
— Sidmar NV, Gent (B)	51,00 %
— Métallurgique et Minière de Rodange-Athus SA, MMR-A, Rodange (L)	45,01 %
— ALZ NV, Genk (B)	60,00 %
— Belgo-Mineira SA, Sabara (Brazil)	20,21 %
— Galvalange Sàrl, Dudelange (L)	50,00 %
— Ewald Giebel Luxembourg GmbH, Dudelange (L)	33,33 %
— Sikel NV, Genk (B)	66,67 %
— Coopérative Segal, Ivoz-Ramet (B)	33,33 %
— Laminés Marchands Européens (see point 9).	

- (4) Specialization agreements between Arbed and Cockerill-Sambre concerning flat and long steel products were authorized by Commission Decision 84/317/ECSC<sup>(1)</sup>. In accordance with Article 3 of that Decision, these enterprises informed the Commission in 1989 of their plan to alter the agreements. The Commission departments did not object to the amendments, which came into effect on 1 January 1990. Thus Arbed purchased from Cockerill-Sambre the business represented on the one hand by the production of wire rod, sections and heavy angles which it had until then produced on behalf of Cockerill-Sambre on its own rolling mills and, on the other hand, the production of sections manufactured by Cockerill-Sambre on its own T600 mill in Charleroi. At the same time, the two parties concluded an exclusive contract for hire rolling by Cockerill-Sambre at its T600 mill on behalf of Arbed.
- (5) Usinor Sacilor SA, Paris-La Défense (U-S), is the parent company of the Usinor Sacilor group, the
- Association Coopérative Zélandaise de Carbonisation UA, Sluiskil (NL) 48,19 %
  - Lech Stahlwerke GmbH, Meitingen-Herbertshofen (D) ..... 41,58 %
  - Lutrix, Brescia (I) ..... 49,00 %
  - Laminés Marchands Européens (see point 9)
- (8) Agreements on specialization and exchanges of finished and semi-finished products between Arbed and Unimétal (the U-S subsidiary manufacturing carbon steel long products) were approved by Commission Decision 88/461/ECSC<sup>(1)</sup> for a period ending on 31 December 1992. These agreements relate in particular to heavy beams, heavy rails, sheet piling and medium sections, representing an annual tonnage of at least 54 000 tonnes and some 50 000 tonnes in the case of the exchange of semi-finished products.
- (9) Arbed, U-S and Cockerill-Sambre set up the joint venture Laminés Marchands Européens SA (LME) which was authorized by the Commission Decision of 27 July 1990. LME manufactures and markets a range of merchant bars which the parent companies no longer produce.
- (6) In 1989, the Usinor Sacilor group achieved a world-wide turnover of some FF 97 000 million, or some ECU 13 800 million. The share of this figure achieved by non-French companies belonging to the group (essentially German) was approximately FF 26 000 million (ECU 3 700 million), or nearly 27 %.
- (7) U-S produces ECSC products only through its subsidiaries or sub-subsidiaries, and has holdings, either directly or indirectly through the latter, in the following enterprises:
- most important European steel group as much in terms of its size as because a large part of its production is carried out in Germany. U-S has a subscribed capital of FF 4 000 million (ECU 569,5 million). Its principal activities are the production and distribution of ECSC steel products. It is also very active in related sectors such as first-stage steel processing (wire drawing, pipes and tubes, forging, drop forging), structural steelwork and mechanical engineering.
- heavy sections with the exception of permanent way material and sheet piling). The cooperation includes setting up the joint-venture company, Europrofil.
- (11) The agreement reflects the intention of Arbed and U-S to increase rationalization in long products. For various strategic reasons, the companies opted to start with beams, defined as the whole range of products manufactured by Arbed and U-S in the form of beams, sections, large merchant bars and special sections.
- (12) The present transaction will be followed by other phases with a view to the eventual pooling and definitive integration of the industrial and commercial infrastructures relating to the products in question, and possibly other long products. Europrofil is thus for the time being a joint venture, owned equally by Arbed and U-S, set up to implement the joint-selling agreement for beams. The two companies' holdings will be reviewed once their respective contributions, after rationalization, have been definitively assessed. It is planned in any event that Arbed will then control Europrofil.

## II. DESCRIPTION OF THE TRANSACTION

- (10) By agreement concluded on 22 May 1991, Arbed and U-S decided to cooperate in the sale (joint selling) of beams and associated products (other

<sup>(1)</sup> OJ No L 163, 21. 6. 1984, p. 37.

<sup>(2)</sup> OJ No L 223, 13. 8. 1988, p. 39.

(13) The functions of Europrofil reflect the aims of the agreement, and are twofold:

— a commercial function: Europrofil will be exclusively responsible for marketing and selling all the products covered by the agreement and made by the two groups. Europrofil will be also responsible for studies, promotion and technical assistance. Sales in France, Germany and the Benelux will be through Europrofil subsidiaries or sales offices and, in the other countries, through the networks remaining after rationalization;

— an industrial function: Europrofil will be responsible for mill specialization and optimization of the production and rolling programmes.

(14) Industrial studies on the modernization and rationalization of the production equipment will be undertaken in the framework of the agreement with a view to the joint production of the products covered by the agreement; the results of these studies will be put into practice. The parties have agreed that the integrated industrial phase will be established by 31 December 1993 at the latest. Until this date, all strategic investment decisions about the products covered by the agreement must be taken by agreement between the parties.

(15) If Europrofil achieves its objectives, similar procedures could be applied to other long products after a certain time.

### III. RESULT OF THE TRANSACTION

(16) For the time being, Europrofil, jointly controlled by Arbed and Usinor Sacilor, is simply a practical framework set up to implement the joint-selling agreement which will be extended by joint production planning and by a joint investment policy for the products concerned. Some details of the final acquisition of control by Arbed, however, are not as yet known (e.g. respective shareholdings, industrial aspects). The setting-up of Europrofil is thus secondary and provisional and its appraisal under Article 66 will be necessary only if the aims of the agreement are attained. The joint-selling agreement on beams signed on 22 May 1991 must be examined under Article 65 of the ECSC Treaty.

### IV. THE RELEVANT MARKET

(17) The two companies own and/or operate production plants in four Community countries and sell their

products throughout the Community. Some Member States do not produce the products in question but are consumers. The relevant market is therefore the Community.

(18) The term 'beams' is used here to mean products such as the very large beams with a web height of 1 100 mm manufactured at the Arbed-Differdange Grey mill and smaller angles (e.g. 90 × 90 mm). These products are used almost exclusively in the construction industry. About [...] %<sup>(1)</sup> of the tonnages in the product range covered by the Arbed/Usinor Sacilor agreement are listed in Community statistics under 'Sections 80 mm and over' and 'Other sections'. Thus the markets for both categories of product constitute the relevant market.

(19) Certain beam mills can in fact, by using the appropriate rolls, also manufacture rails and/or sheet pilings. This applies in particular to the Unimétal 950 mill at Hayange (beams/rails), the Arbed mill No 2 at Esch-Belval (beams/sheet piling) and the A mill of MMR-A (beams/rails). However this industrial aspect, in view of the level of the tonnages concerned, does not alter the commercial assessment based on the market definition given in point 18.

### V. MARKET SHARES

(20) In 1989, the Usinor Sacilor group (including Saarstahl AG) and the Arbed group (including MMR-A and the rolled products of the Charleroi T600 mill) produced [...] tonnes (or [...] % of Community production) and [...] (or [...] % of Community production) of beams respectively.

(21) Table 1 below shows the quantities produced in 1989 at the various plants owned by the two groups.

(22) The agreement in question thus relates to a total production of 2 308 000 tonnes, or 29,1 % of Community production.

(23) Imports of beams into the European Community in 19879 were 857 000 tonnes, equivalent to 10,8 % of Community production or 13,1 % of apparent Community consumption.

<sup>(1)</sup> In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 7, second paragraph, of the ECSC Treaty.

## Beam production in 1989

	1 000 tonnes	% EUR-12
Unimétal Hayange	[...]	[...]
Unimétal Rombas	[...]	[...]
Unimétal Longwy	[...]	[...]
Unimétal Trancel	[...]	[...]
Total Unimétal	[...]	[...]
Saarstahl Völklingen	[...]	[...]
Total U-S group	[...]	[...]
Arbed Differdange	[...]	[...]
Arbed Esch-Belval	[...]	[...]
MMR-A	[...]	[...]
Cockerill-Sambre Charleroi	[...]	[...]
Total Arbed group	[...]	[...]
Total products concerned by agreement	2 308	29,1
Total EUR-12	7 943	100,0

## VI. APPLICATION OF ARTICLE 65 OF THE ECSC TREATY

- (24) Arbed and U-S produce and distribute ECSC products and constitute undertakings within the meaning of Article 80 of the ECSC Treaty.
- (25) The joint-selling agreement in respect of beams restricts normal competition between Arbed and U-S since the two parties :
- (a) agree to coordinate their pricing policies, by giving exclusive sales rights to a jointly owned subsidiary ;
- (b) agree to jointly programme their production and to coordinate their investment decisions for the products in question.
- Under such conditions, the agreement is caught by the prohibition in principle set out in Article 65 (1) of the ECSC Treaty.
- (26) Article 65 (2), however, empowers the Commission to authorize joint-selling agreements or agreements that are strictly analogous in nature and effect if it is satisfied that they meet the requirements of that Article.
- (27) The agreement to which this Decision relates is a joint-selling agreement or strictly analogous thereto.
- (28) The agreement may therefore be authorized under Article 65 (2), but only if it ;
- makes for a substantial improvement in the production or distribution of the products in question,
  - is essential in order to achieve these results and is not more restrictive than is necessary for that purpose, and
  - is not liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market.
- (29) On the question of whether the agreement makes for a substantial improvement in the production or distribution of the products concerned, it is fair to say that, generally speaking, rationalizing production and marketing will greatly improve plant utilization and efficiency, cut production and transport costs, introduce qualitative improvements and reduce delivery times, with benefits both to the contracting parties and to consumers.

- (30) Even if, in terms of tonnages produced, the plants manufacturing long products are inevitably smaller than those producing flat products, the two groups together produced some 2,3 million tonnes of beams in 1989 at 12 mills spread over nine production sites. With the exception of the very large beams which can be rolled only at the Grey mill of Arbed-Differdange, a large number of products of the same size are therefore at present rolled in several mills simultaneously.
- (31) Rationalization, by unequivocally allocating specific sections to the various mills concerned, will in itself produce a productivity gain of some [...] % compared with the present average.
- (32) Each of the parties has already closed down a rolling mill: Arbed closed its mill No 5 at Esch-Belval in January 1991 and U-S the mill operated by its subsidiary Trancel in January 1990. It is also planned to close Arbed mill No 3/4 at Esch-Belval. The immediate effect of these closures is and will be to increase the utilization rate of the parties' other plants. On the basis of production in 1989, the closures of the above three mills and the transfer of production (beams and other products) to the other nine mills would increase the latter's utilization rate by some [...] %.
- (33) Rationalization will at the same time enable product quality to be improved by allowing the plants to operate on a more regular basis.
- (34) Transport costs will be reduced by choosing the most appropriate production site in relation to delivery point. Rationalization of the commercial networks forms part of such a policy.
- (35) The scale effect resulting from joint selling will also enable stock levels and related costs to be reduced.
- (36) The foregoing examples thus show that the agreement submitted for authorization will make for a substantial improvement in the production and distribution of the products concerned and that it therefore satisfies the tests of Article 65 (2) (a) of the ECSC Treaty.
- (37) Joint selling, the transfer of production and the coordination of investment decisions are all interdependent and connected. Operating in isolation, the undertakings concerned could not obtain the production and distribution improvements, or, in any event, the same level of improvement. In particular, it is essential that from now on they concentrate on eliminating duplication when making investments, particularly in view of the costs involved. The agreement in question is therefore essential to achieving the desired improvement in production and distribution and is not more restrictive than is necessary for that purpose. In particular, the joint production programming and the common agreement on capital investment are ancillary agreements to the joint selling agreement. However the resulting restriction of competition is essential if the parties are to reach their objective of industrial concentration as soon as possible. As a result, the agreement meets the criteria of Article 65 (2) (b) of the ECSC Treaty.
- (38) In order to determine whether an agreement for which authorization is requested satisfies the requirements of Article 65 (2) (c), it is necessary to consider the size of the firms concerned and the extent of the competition facing them.
- (39) It would seem that the Arbed group [...] % and the Usinor Sacilor group [...] % jointly hold 29,1 % of Community production of beams, and rank first among Community producers, those following having shares of 23,1 %, 12,4 %, 8,7 %, 5,3 % and 4,8 % respectively. Overall, the 10 leading producer groups (including Arbed and U-S) account for 94,0 % of Community production.
- (40) It can therefore be concluded that, whilst the agreement between Arbed and U-S gives them joint first position among Community producers of the products in question, the other producers in the sector, together with imports which currently account for some 13,1 % of apparent consumption, will ensure the maintenance of effective competition.
- (41) Accordingly, the agreement is not liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings in the common market. The agreement therefore satisfies the tests of Article 65 (2) (c) of the ECSC Treaty.
- (42) The agreement is described as the first phase of an operation which will lead to control by Arbed of the present activities of Arbed and U-S in respect of beams. The operation will be of benefit to the parties concerned and to consumers only if it results in the necessary restructuring and modernization and if it is accompanied by appropriate capital investment. It is only under these conditions that the restriction can be exceptionally authorized.

- (43) The parties must inform the Commission of any plans to alter or add to the agreement. It therefore needs to be stipulated that any amendments or additions to the agreement may not be implemented until the Commission has decided that they are admissible or has authorized them pursuant to Article 65 (2).
- (44) By limiting the period of validity of the authorization, it must also be ensured that the parties concerned attain their objectives as rapidly as possible. In view of the size of the undertakings and the complexity of the studies to be carried out, the authorization should be granted for a period ending on 31 December 1993.
- (45) The agreement of 22 May 1991 submitted for authorization complies with Article 65 (2) of the ECSC Treaty and may be authorized,

HAS ADOPTED THIS DECISION :

*Article 1*

The joint-selling agreement dated 22 May 1991 between Arbed SA and Usinor Sacilor SA which provides *inter alia* for the setting-up of Europrofil is hereby authorized pursuant to Article 65.

*Article 2*

The undertakings concerned shall notify the Commission of any plans to amend or add to the agreement.

Amendments or additions may not be implemented until the Commission has determined that they comply with the authorization granted in this Decision or has authorized them pursuant to Article 65 (2).

*Article 3*

This Decision shall be applicable until 31 December 1993.

*Article 4*

This Decision is addressed to Arbed SA, Avenue de la Liberté, L-2930 Luxembourg and Usinor Sacilor SA, Immeuble Ile-de-France, Cedex 33, F-92070 Paris-La Défense.

Done at Brussels, 9 September 1991.

*For the Commission*

Leon BRITTAN

*Vice-President*

## COMMISSION DECISION

of 9 September 1991

establishing a list of ingredients whose use is prohibited in compound feedingstuffs

(91/516/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs<sup>(1)</sup>, as last amended by Directive 90/654/EEC<sup>(2)</sup>, and in particular Article 10 (c) thereof,

Whereas Directive 79/373/EEC applies without prejudice to, *inter alia*, Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition<sup>(3)</sup>, as last amended by Directive 90/654/EEC; whereas this latter Directive provides that such products which fulfil its requirements may be marketed as feedingstuffs or incorporated in feedingstuffs;

Whereas Council Directive 74/63/EEC of 17 December 1973 concerning undesirable substances and products in animal nutrition<sup>(4)</sup>, as last amended by Directive 91/126/EEC<sup>(5)</sup>, is concerned only with those substances and products whose presence it is impossible to exclude totally from feedingstuffs and its constituents; whereas this Directive applies without prejudice to other Community provisions on feedingstuffs;

Whereas Member States were, until now, able to require that compound feedingstuffs marketed on their territories be free of certain ingredients;

Whereas it is necessary to remove the barriers to intra-Community trade resulting from such restrictions by adopting, at Community level, a list of ingredients whose use as such should be prohibited;

Whereas the use in feedingstuffs of protein products obtained from *Candida* yeasts cultivated on n-alkanes has already been prohibited by Commission Decision 85/382/EEC<sup>(6)</sup>;

Whereas veterinary legislation regulates the eradication and control of certain animal diseases within the Community; in particular Council Directive 90/667/EEC<sup>(7)</sup>, veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal origin;

whereas Member States are still authorized to take, on a provisional basis, certain eradication measures at national level;

Whereas Directive 79/373/EEC provides that a list of ingredients whose use is prohibited for animal and public health reasons shall be established in the light of advances in scientific and technical knowledge;

Whereas this list reflects the situation at the moment of its establishment and remains open to later amendments and additions;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DECISION:

*Article 1*

The use of the ingredients listed in the Annex is prohibited in compound feedingstuffs.

*Article 2*

This Decision applies without prejudice to the provisions on micro-organisms in feedingstuffs, to the national measures referred to in Article 1 (2) of Council Directive 90/667/EEC, and to Articles 16 and 20 of that Directive.

*Article 3*

This Decision shall apply from 22 January 1992.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 9 September 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 86, 6. 4. 1979, p. 30.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 48.

<sup>(3)</sup> OJ No L 213, 21. 7. 1982, p. 8.

<sup>(4)</sup> OJ No L 38, 11. 2. 1974, p. 31.

<sup>(5)</sup> OJ No L 60, 7. 3. 1991, p. 16.

<sup>(6)</sup> OJ No L 217, 10. 7. 1985, p. 27.

<sup>(7)</sup> OJ No L 363, 27. 12. 1990, p. 51.

*ANNEX***List of prohibited ingredients**

1. Faeces, urine as well as separated digestive tract content resulting from the emptying or removal of the digestive tract, irrespective of any form of treatment or admixture.
  2. Leather and leather waste.
  3. Seeds and other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended use (propagation), and any derived by-products.
  4. Wood, sawdust and other materials derived from wood treated with wood protection products.
  5. Sludge from sewage plants treating waste waters.
-