ISSN 0378-6978

L 217

Volume 36

27 August 1993

Official Journal of the European Communities

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2360/93

of 26 August 1993

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 2046/92 [2], and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria [3], as last amended by Regulation (EEC) No 1900/92 [4], and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco [5], as last amended by Regulation (EEC) No 1901/92 [6], and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia [7], as last amended by Regulation (EEC) No 413/86 [8], and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey [9], as last amended by Regulation (EEC) No 1902/92 [10], and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon [11],

Whereas by Regulation (EEC) No 3131/78 [12], as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender [13] specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community [14], no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 23 and 24 August 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the

[1] OJ No 172, 30. 9. 1966, p. 3025/66.
[2] OJ No L 215, 30. 7. 1992, p. 1.
[3] OJ No L 169, 28. 6. 1976, p. 24.
[4] OJ No L 192, 11. 7. 1992, p. 1.
[5] OJ No L 169, 28. 6. 1976, p. 43.
[6] OJ No L 192, 11. 7. 1992, p. 2.
[7] OJ No L 169, 28. 6. 1976, p. 9.
[8] OJ No L 48, 26. 2. 1986, p. 1.
[9] OJ No L 142, 9. 6. 1977, p. 10.
[10] OJ No L 192, 11. 7. 1992, p. 3.
[11] OJ No L 181, 21. 7. 1977, p. 4.

[12] OJ No L 370, 30. 12. 1978, p. 60.
[13] OJ No L 331, 28. 11. 1978, p. 6.
[14] OJ No L 263, 19. 9. 1991, p. 1.

imported product, such amount to be fixed at a standard rate ; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 27 August 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil (1)

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 (2)
1509 10 90	79,00 (2)
1509 90 00	92,00 (3)
1510 00 10	77,00 (2)
1510 00 90	122,00 (4)

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

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

(a) Lebanon: ECU 0,60 per 100 kg;

(b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

(3) For imports of oil falling within this CN code:

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

(4) For imports of oil falling within this CN code:

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products (1)

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

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

COMMISSION REGULATION (EEC) No 2361/93
of 26 August 1993
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 125/93 (2), and in particular Article 12 (8) thereof,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Commission Regulation (EEC) No 1743/93 (3), as amended by Regulation (EEC) No 2005/93 (4);

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1743/93 to the quotations and other information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and on beef and veal other than frozen shall be as specified in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 September 1993.

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

Done at Brussels, 26 August 1993.

For the Commission
René STEICHEN
Member of the Commission

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 18, 27. 1. 1993, p. 1.
(3) OJ No L 161, 2. 7. 1993, p. 20.
(4) OJ No L 182, 24. 7. 1993, p. 40.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Croatia / Slovenia / Bosnia-Herzegovina / the territory of the former Yugoslav Republic of Macedonia (3)	Austria (4)	Sweden/Switzerland	Other third countries (2)
	— Live weight —			
0102 90 05	—	17,086	5,048	131,433 (1)
0102 90 21	—	17,086	5,048	131,433 (1)
0102 90 29	—	17,086	5,048	131,433 (1)
0102 90 41	—	17,086	5,048	131,433 (1) (6)
0102 90 49	—	17,086	5,048	131,433 (1) (6)
0102 90 51	23,058	17,086	5,048	131,433 (1)
0102 90 59	23,058	17,086	5,048	131,433 (1)
0102 90 61	—	17,086	5,048	131,433 (1)
0102 90 69	—	17,086	5,048	131,433 (1)
0102 90 71	23,058	17,086	5,048	131,433 (1)
0102 90 79	23,058	17,086	5,048	131,433 (1)
	— Net weight —			
0201 10 00	43,811	32,464	9,591 (7)	249,723 (1) (5)
0201 20 20	43,811	32,464	9,591 (7)	249,723 (1) (5)
0201 20 30	35,049	25,971	7,673 (7)	199,778 (1) (5)
0201 20 50	52,573	38,957	11,509 (7)	299,667 (1) (5)
0201 20 90	—	48,696	14,387 (7)	374,583 (1) (5)
0201 30 00	—	55,701	16,456 (7)	428,471 (1) (5)
0206 10 95	—	55,701	16,456	428,471 (1)
0210 20 10	—	48,696	14,387	374,583
0210 20 90	—	55,701	16,456	428,471
0210 90 41	—	55,701	16,456	428,471
0210 90 90	—	55,701	16,456	428,471
1602 50 10	—	55,701	16,456	428,471
1602 90 61	—	55,701	16,456	428,471

(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.

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

(3) This levy is applicable only to products complying with the provisions of Commission Regulation (EEC) No 185/93.

(4) This levy is applicable only to products complying with the provisions of the Agreement between the EEC and Austria (OJ No L 111, 29. 4. 1992, p. 21).

(5) Products falling within this code, imported from Poland, the territories of the ex Czech and Slovak Federal Republic or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EEC) No 3589/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

(6) Products falling within this code, imported from Poland, the territories of the ex Czech and Slovak Federal Republic or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EEC) No 247/93 (OJ No L 28, 5. 2. 1993, p. 39) have been presented, are subject to the levies set out in the Annex to that Regulation.

(7) The levy may be reduced in accordance with the Agreement between the Community and Sweden (OJ No L 109, 1. 5. 1993, p. 59) and Regulation (EEC) No 1180/93.

COMMISSION REGULATION (EEC) No 2362/93
of 26 August 1993
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 125/93 (2), and in particular Article 12 (8) thereof,

Whereas the import levies on frozen beef and veal were fixed by Commission Regulation (EEC) No 1742/93 (3), as amended by Regulation (EEC) No 2006/93 (4);

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1742/93 to the quotations and other information known to the Commission that the levies should be altered to the amounts 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 hereto.

Article 2

This Regulation shall enter into force on 6 September 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 18, 27. 1. 1993, p. 1.
(3) OJ No L 161, 2. 7. 1993, p. 16.
(4) OJ No L 182, 24. 7. 1993, p. 42.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the import levies on frozen beef and veal (1) (2)

(ECU/100 kg)

CN code	Levy
	— Net weight —
0202 10 00	166,201 (3)
0202 20 10	166,201 (3)
0202 20 30	132,960 (3)
0202 20 50	207,751 (3)
0202 20 90	249,301 (3)
0202 30 10	207,751 (3)
0202 30 50	207,751 (3)
0202 30 90	285,865 (3)
0206 29 91	285,865

(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.

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

(3) Products falling within this code, imported from Poland, the territories of the ex Czech and Slovak Federal Republic or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EEC) No 3589/92 (OJ No L 364, 12. 12. 1992, p. 28) have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 2363/93

of 26 August 1993

on the issue of a standing invitation to tender for the resale on the internal market of 50 000 tonnes of maize held by the French intervention agency with a view to its processing in Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as amended by Regulation (EEC) No 2193/93 [2], and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 [3] lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 50 000 tonnes of maize held by the French intervention agency with a view to its processing in Portugal, should be issued;

Whereas, in the current situation it would be appropriate to reduce the minimum resale price to be observed to ECU 150 per tonne;

Whereas, moreover, as regards verification, the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention [4] as last amended by Regulation (EEC) No 1938/93 [5] are applicable;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The French intervention agency shall issue a standing invitation to tender for the redisposal on the internal market of 50 000 tonnes of maize with a view to its processing in Portugal.

2. Without prejudice to the provisions of Regulation (EEC) No 2131/93 and in particular the second subparagraph of Article 13 (4) thereof, the following special rules shall apply to the present invitation to tender:

— tenderers shall undertake to process the quantities of maize in Portugal,

— processing must be carried out by 31 December 1993 at the latest, except in cases of *force majeure,*

— a security of ECU 20 per tonne shall be lodged by the successful tenderer with the French intervention agency to ensure that the conditions laid down in the first and second indents are complied with. The security shall be lodged at the latest two working days following the day on which the statement of the award of contract was received,

— the minimum resale price to be observed shall be ECU 150 per tonne.

Article 2

1. The obligations referred to in the frist and second indents of Article 1 (2) shall be considered as primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 [6]. They shall be considered as having been fulfilled only if the successful tenderer provides proof to that effect.

2. Proof that the cereals referred to in this Regulation have been processed shall be furnished in accordance with Regulation (EEC) No 3002/92.

Processing shall be deemed to have taken place when the maize is delivered to a storehouse located in Portugal.

Article 3

Apart from the endorsements provided for in Regulation (EEC) No 3002/92, boy 104 of the T 5 control copy must contain one or more of the following:

— Destinados a la transformación [Reglamento (CEE) nº 2363/93].

— Til forarbejdning (forordning (EØF) nr. 2363/93).

— Zur Verarbeitung bestimmt (Verordnung (EWG) Nr. 2363/93).

— Προοριζόμενο για μεταποίηση [κανονισμός (ΕΟΚ) αριθ. 2363/93].

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 196, 5. 8. 1993, p. 22.
(3) OJ No L 191, 31. 7. 1993, p. 76.
(4) OJ No L 301, 17. 10. 1992, p. 17.
(5) OJ No L 176, 20. 7. 1993, p. 12.

(6) OJ No L 205, 3. 8. 1985, p. 5.

— For processing (Regulation (EEC) No 2363/93).
— Destinées à la transformation [règlement (CEE) n° 2363/93].
— Destinate alla trasformazione [regolamento (CEE) n. 2363/93].
— Bestemd om te worden verwerkt (Verordening (EEG) nr. 2363/93).
— Destinadas à transformação [Regulamento (CEE) nº 2363/93].

Article 4

1. The closing date for the submission of tenders for the first partial invitation to tender is hereby fixed at 31 August 1993.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 September 1993.

3. Tenders must be lodged with the French intervention agency:

Office national interprofessionel des céréales,
21, avenue Bosquet
F-75326 Paris Cedex 07
(telex OFIBLE A 20 04 90 F).

Article 5

The French intervention agency shall communicate to the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, the quantity and the average prices of the various lots sold.

Article 6

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, 26 August 1993.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EEC) No 2364/93

of 26 August 1993

on the issue of a standing invitation to tender for the resale on the internal market of 150 000 tonnes of maize held by the French intervention agency with a view to its processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Commission Regulation (EEC) No 2131/93 (3) lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 150 000 tonnes of maize held by the French intervention agency with a view to its processing in Spain, should be issued;

Whereas, in the current situation it would be appropriate to reduce the minimum resale price to be observed to ECU 150 per tonne;

Whereas, moreover, as regards verification, the provisions of Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention (4) as last amended by Regulation (EEC) No 1938/93 (5) are applicable;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The French intervention agency shall issue a standing invitation to tender for the redisposal on the internal market of 150 000 tonnes of maize with a view to its processing in Spain.

2. Without prejudice to the provisions of Regulation (EEC) No 2131/93 and in particular the second subparagraph of Article 13 (4) thereof, the following special rules shall apply to the present invitation to tender:

— tenderers shall undertake to process the quantities of maize in Spain,

— processing must be carried out by 31 December 1993 at the latest, except in cases of *force majeure,*

— a security of ECU 20 per tonne shall be lodged by the successful tenderer with the French intervention agency to ensure that the conditions laid down in the first and second indents are complied with. The security shall be lodged at the latest two working days following the day on which the statement of the award of contract was received,

— the minimum resale price to be observed shall be ECU 150 per tonne.

Article 2

1. The obligations referred to in the frist and second indents of Article 1 (2) shall be considered as primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 (6). They shall be considered as having been fulfilled only if the successful tenderer provides proof to that effect.

2. Proof that the cereals referred to in this Regulation have been processed shall be furnished in accordance with Regulation (EEC) No 3002/92.

Processing shall be deemed to have taken place when the maize is delivered to a storehouse located in Spain.

Article 3

Apart from the endorsements provided for in Regulation (EEC) No 3002/92, boy 104 of the T 5 control copy must contain one or more of the following:

— Destinados a la transformación [Reglamento (CEE) n° 2364/93].

— Til forarbejdning (forordning (EØF) nr. 2364/93).

— Zur Verarbeitung bestimmt (Verordnung (EWG) Nr. 2364/93).

— Προοριζόμενο για μεταποίηση [κανονισμός (ΕΟΚ) αριθ. 2364/93].

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 196, 5. 8. 1993, p. 22.
(3) OJ No L 191, 31. 7. 1993, p. 76.
(4) OJ No L 301, 17. 10. 1992, p. 17.
(5) OJ No L 176, 20. 7. 1993, p. 12.
(6) OJ No L 205, 3. 8. 1985, p. 5.

— For processing (Regulation (EEC) No 2364/93).
— Destinées à la transformation [règlement (CEE) nº 2364/93].
— Destinate alla trasformazione [regolamento (CEE) n. 2364/93].
— Bestemd om te worden verwerkt (Verordening (EEG) nr. 2364/93).
— Destinadas à transformação [Regulamento (CEE) nº 2364/93].

Article 4

1. The closing date for the submission of tenders for the first partial invitation to tender is hereby fixed at 31 August 1993.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 September 1993.

3. Tenders must be lodged with the French intervention agency:

Office national interprofessionel des céréales,
21, avenue Bosquet
F-75326 Paris Cedex 07
(telex OFIBLE A 20 04 90 F).

Article 5

The French intervention agency shall communicate to the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, the quantity and the average prices of the various lots sold.

Article 6

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, 26 August 1993.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EEC) No 2365/93

of 25 August 1993

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 [1], as amended by Regulation (EEC) No 3483/88 [2], and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3919/92 of 20 December 1992 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished [3], as amended by Regulation (EEC) No 927/93 [4], provides for cod quotas for 1993;

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 ICES divisions I and II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1993; whereas the United Kingdom has prohibited fishing for this stock as from 20 July 1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II b 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 1993.

Fishing for cod in the waters of ICES divisions I and II b 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 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 20 July 1993.

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

Done at Brussels, 25 August 1993.

For the Commission

Karel VAN MIERT

Vice-President

---

(1) OJ No L 207, 29. 7. 1987, p. 1.
(2) OJ No L 306, 11. 11. 1988, p. 2.
(3) OJ No L 397, 31. 12. 1992, p. 1.
(4) OJ No L 96, 22. 4. 1993, p. 1.

COMMISSION REGULATION (EEC) No 2366/93

of 26 August 1993

fixing the export refunds 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 2071/92 (2), and in particular Article 17 (4) thereof,

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

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

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,

— the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

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

(a) prices ruling on third country markets;

(b) the most favourable prices in third countries of destination for third country imports;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

(d) free-at-Community-frontier offer prices;

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

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

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products (5), as last amended by Regulation (EEC) No 2767/90 (6), the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 215, 30. 7. 1992, p. 64.
(3) OJ No L 155, 3. 7. 1968, p. 1.
(4) OJ No L 119, 8. 5. 1986, p. 36.
(5) OJ No L 184, 29. 7. 1968, p. 10.
(6) OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector [1], as last amended by Regulation (EEC) No 1548/93 [2];

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 [3] are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 [4];

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 150 per 100 kilograms;

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

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

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

Whereas Council Regulation (EEC) No 990/93 [7] prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.

2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 27 August 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

---

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 154, 25. 6. 1993, p. 10.
(3) OJ No L 387, 31. 12. 1992, p. 1.
(4) OJ No L 108, 1. 5. 1993, p. 106.
(5) OJ No L 91, 1. 4. 1984, p. 71.
(6) OJ No L 28, 1. 2. 1988, p. 1.

(7) OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (**)
0401 10 10 000		5,45
0401 10 90 000		5,45
0401 20 11 100		5,45
0401 20 11 500		8,42
0401 20 19 100		5,45
0401 20 19 500		8,42
0401 20 91 100		11,21
0401 20 91 500		13,06
0401 20 99 100		11,21
0401 20 99 500		13,06
0401 30 11 100		16,78
0401 30 11 400		25,87
0401 30 11 700		38,87
0401 30 19 100		16,78
0401 30 19 400		25,87
0401 30 19 700		38,87
0401 30 31 100		46,29
0401 30 31 400		72,28
0401 30 31 700		79,70
0401 30 39 100		46,29
0401 30 39 400		72,28
0401 30 39 700		79,70
0401 30 91 100		90,84
0401 30 91 400		133,53
0401 30 91 700		155,81
0401 30 99 100		90,84
0401 30 99 400		133,53
0401 30 99 700		155,81
0402 10 11 000		60,00
0402 10 19 000		60,00
0402 10 91 000		0,6000
0402 10 99 000		0,6000
0402 21 11 200		60,00
0402 21 11 300		96,40
0402 21 11 500		101,92
0402 21 11 900		110,00
0402 21 17 000		60,00
0402 21 19 300		96,40
0402 21 19 500		101,92
0402 21 19 900		110,00
0402 21 91 100		110,85
0402 21 91 200		111,66
0402 21 91 300		113,12
0402 21 91 400		121,46
0402 21 91 500		124,32
0402 21 91 600		135,31
0402 21 91 700		141,84
0402 21 91 900		149,14
0402 21 99 100		110,85
0402 21 99 200		111,66
0402 21 99 300		113,12
0402 21 99 400		121,46
0402 21 99 500		124,32
0402 21 99 600		135,31
0402 21 99 700		141,84
0402 21 99 900		149,14
0402 29 15 200		0,6000
0402 29 15 300		0,9640
0402 29 15 500		1,0192
0402 29 15 900		1,1000
0402 29 19 200		0,6000
0402 29 19 300		0,9640
0402 29 19 500		1,0192
0402 29 19 900		1,1000
0402 29 91 100		1,1085
0402 29 91 500		1,2146
0402 29 99 100		1,1085
0402 29 99 500		1,2146
0402 91 11 110		5,45
0402 91 11 120		11,21
0402 91 11 310		19,10
0402 91 11 350		23,60
0402 91 11 370		28,92
0402 91 19 110		5,45
0402 91 19 120		11,21
0402 91 19 310		19,10
0402 91 19 350		23,60
0402 91 19 370		28,92
0402 91 31 100		22,16
0402 91 31 300		34,18
0402 91 39 100		22,16
0402 91 39 300		34,18
0402 91 51 000		25,87
0402 91 59 000		25,87
0402 91 91 000		90,84
0402 91 99 000		90,84
0402 99 11 110		0,0545
0402 99 11 130		0,1121
0402 99 11 150		0,1862
0402 99 11 310		22,04
0402 99 11 330		26,63
0402 99 11 350		35,68
0402 99 19 110		0,0545
0402 99 19 130		0,1121

Product code	Destination (*)	Amount of refund (**)
0402 99 19 150		0,1862
0402 99 19 310		22,04
0402 99 19 330		26,63
0402 99 19 350		35,68
0402 99 31 110		0,2402
0402 99 31 150		37,17
0402 99 31 300		0,4629
0402 99 31 500		0,7970
0402 99 39 110		0,2402
0402 99 39 150		37,17
0402 99 39 300		0,4629
0402 99 39 500		0,7970
0402 99 91 000		0,9084
0402 99 99 000		0,9084
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		5,45
0403 10 22 300		8,42
0403 10 24 000		11,21
0403 10 26 000		16,78
0403 10 32 100		0,0545
0403 10 32 300		0,0842
0403 10 34 000		0,1121
0403 10 36 000		0,1678
0403 90 11 000		60,00
0403 90 13 200		60,00
0403 90 13 300		96,40
0403 90 13 500		101,92
0403 90 13 900		110,00
0403 90 19 000		110,85
0403 90 31 000		0,6000
0403 90 33 200		0,6000
0403 90 33 300		0,9640
0403 90 33 500		1,0192
0403 90 33 900		1,1000
0403 90 39 000		1,1085
0403 90 51 100		5,45
0403 90 51 300		8,42
0403 90 53 000		11,21
0403 90 59 110		16,78
0403 90 59 140		25,87
0403 90 59 170		38,87
0403 90 59 310		46,29
0403 90 59 340		72,28
0403 90 59 370		79,70
0403 90 59 510		90,84
0403 90 59 540		133,53
0403 90 59 570		155,81
0403 90 61 100		0,0545
0403 90 61 300		0,0842
0403 90 63 000		0,1121
0403 90 69 000		0,1678
0404 90 11 100		60,00
0404 90 11 910		5,45
0404 90 11 950		19,10
0404 90 13 120		60,00
0404 90 13 130		96,40
0404 90 13 140		101,92
0404 90 13 150		110,00
0404 90 13 911		5,45
0404 90 13 913		11,21
0404 90 13 915		16,78
0404 90 13 917		25,87
0404 90 13 919		38,87
0404 90 13 931		19,10
0404 90 13 933		23,60
0404 90 13 935		28,92
0404 90 13 937		34,18
0404 90 13 939		35,74
0404 90 19 110		110,85
0404 90 19 115		111,66
0404 90 19 120		113,12
0404 90 19 130		121,46
0404 90 19 135		124,32
0404 90 19 150		135,31
0404 90 19 160		141,84
0404 90 19 180		149,14
0404 90 19 900		—
0404 90 31 100		60,00
0404 90 31 910		5,45
0404 90 31 950		19,10
0404 90 33 120		60,00
0404 90 33 130		96,40
0404 90 33 140		101,92
0404 90 33 150		110,00
0404 90 33 911		5,45
0404 90 33 913		11,21
0404 90 33 915		16,78
0404 90 33 917		25,87
0404 90 33 919		38,87
0404 90 33 931		19,10
0404 90 33 933		23,60
0404 90 33 935		28,92
0404 90 33 937		34,18
0404 90 33 939		35,74
0404 90 39 110		110,85
0404 90 39 115		111,66
0404 90 39 120		113,12
0404 90 39 130		121,46

Product code	Destination (*)	Amount of refund (**)
0404 90 39 150		124,32
0404 90 39 900		—
0404 90 51 100		0,6000
0404 90 51 910		0,0545
0404 90 51 950		22,04
0404 90 53 110		0,6000
0404 90 53 130		0,9640
0404 90 53 150		1,0192
0404 90 53 170		1,1000
0404 90 53 911		0,0545
0404 90 53 913		0,1121
0404 90 53 915		0,1678
0404 90 53 917		0,2587
0404 90 53 919		0,3887
0404 90 53 931		22,04
0404 90 53 933		26,63
0404 90 53 935		35,68
0404 90 53 937		37,17
0404 90 53 939		—
0404 90 59 130		1,1085
0404 90 59 150		1,2146
0404 90 59 930		0,5557
0404 90 59 950		0,7970
0404 90 59 990		0,9084
0404 90 91 100		0,6000
0404 90 91 910		0,0545
0404 90 91 950		22,04
0404 90 93 110		0,6000
0404 90 93 130		0,9640
0404 90 93 150		1,0192
0404 90 93 170		1,1000
0404 90 93 911		0,0545
0404 90 93 913		0,1121
0404 90 93 915		0,1678
0404 90 93 917		0,2587
0404 90 93 919		0,3887
0404 90 93 931		22,04
0404 90 93 933		26,63
0404 90 93 935		35,68
0404 90 93 937		37,17
0404 90 93 939		—
0404 90 99 130		1,1085
0404 90 99 150		1,2146
0404 90 99 930		0,5557
0404 90 99 950		0,7970
0404 90 99 990		0,9084
0405 00 11 100		—
0405 00 11 200		120,98
0405 00 11 300		152,20
0405 00 11 500		156,10
0405 00 11 700		160,00
0405 00 19 100		—
0405 00 19 200		120,98
0405 00 19 300		152,20
0405 00 19 500		156,10
0405 00 19 700		160,00
0405 00 90 100		160,00
0405 00 90 900		206,00
0406 10 20 100		—
0406 10 20 200		—
0406 10 20 210		—
0406 10 20 230	028	—
	032	—
	400	35,23
	404	—
	***	43,29
0406 10 20 290	028	—
	032	—
	400	35,23
	404	—
	***	43,29
0406 10 20 610	028	12,19
	032	12,19
	036	—
	038	—
	400	78,73
	404	—
	***	80,77
0406 10 20 620	028	18,05
	032	18,05
	036	—
	038	—
	400	86,80
	404	—
	***	88,56
0406 10 20 630	028	21,66
	032	21,66
	036	—
	038	—
	400	98,65
	404	—
	***	99,99
0406 10 20 640	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	117,33
0406 10 20 650	028	24,82
	032	24,82
	036	—
	038	—
	400	58,66
	404	—
	***	122,15

Product code	Destination (*)	Amount of refund (**)
0406 10 20 660		—
0406 10 20 810	028	—
	032	—
	036	—
	038	—
	400	19,01
	404	—
	***	19,01
0406 10 20 830	028	—
	032	—
	036	—
	038	—
	400	32,46
	404	—
	***	32,46
0406 10 20 850	028	—
	032	—
	036	—
	038	—
	400	39,37
	404	—
	***	39,37
0406 10 20 870		—
0406 10 20 900		—
0406 10 80 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	76,66
	404	—
	***	76,66
0406 20 90 915	028	—
	032	—
	400	102,21
	404	—
	***	102,21
0406 20 90 917	028	—
	032	—
	400	108,59
	404	—
	***	108,59
0406 20 90 919	028	—
	032	—
	400	121,38
	404	—
	***	121,38
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	18,08
	404	—
	***	20,61

Product code	Destination (*)	Amount of refund (**)
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	—
	***	43,94
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	—
	***	43,94
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	57,66
	404	—
	***	64,46
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	—
	***	43,94
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	57,66
	404	—
	***	64,46
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	83,96
	404	—
	***	93,81
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	18,05
	***	43,94
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	57,66
	404	25,27
	***	64,46

Product code	Destination (*)	Amount of refund (**)
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	83,96
	404	—
	***	93,81
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	83,96
	404	—
	***	93,81
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	102,47
	404	—
	***	114,50
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	102,47
	404	—
	***	114,50
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	18,08
	404	—
	***	20,61
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	—
	***	43,94
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	—
	***	43,94

Product code	Destination (*)	Amount of refund (**)
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	57,66
	404	—
	***	64,46
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	—
	***	43,94
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	57,66
	404	—
	***	64,46
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	83,96
	404	—
	***	93,81
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	39,27
	404	18,05
	***	43,94
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	57,66
	404	25,27
	***	64,46
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	83,96
	404	—
	***	93,81
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	83,96
	404	—
	***	93,81

Product code	Destination (*)	Amount of refund (**)
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	102,47
	404	—
	***	114,50
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	102,47
	404	—
	***	114,50
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	108,30
	404	—
	***	114,17
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	143,80
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	143,80
0406 90 15 900		—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	143,80
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	136,90
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	58,66
	404	—
	***	122,15
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	58,66
	404	—
	***	122,15
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	50,66
	404	—
	***	103,52
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	13,54
	400	56,39
	404	14,44
	***	81,19
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	52,71
	404	13,50
	***	75,66
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	13,54
	400	56,39
	404	14,44
	***	81,19
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	52,71
	404	13,50
	***	75,66

Product code	Destination (*)	Amount of refund (**)
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	13,54
	400	56,39
	404	14,44
	***	81,19
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	52,71
	404	13,50
	***	75,66
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	38,50
	400	143,08
	404	81,23
	***	143,08
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	117,33
0406 90 61 000	028	—
	032	—
	036	81,23
	400	166,96
	404	126,35
	***	166,96
0406 90 63 100	028	—
	032	—
	036	94,79
	400	191,43
	404	144,40
	***	191,43
0406 90 63 900	028	—
	032	—
	036	63,18
	400	135,38
	404	72,20
	***	148,91
0406 90 69 100		—

Product code	Destination (*)	Amount of refund (**)
0406 90 69 910	028	—
	032	—
	036	63,18
	400	135,38
	404	72,20
	***	148,91
0406 90 69 990		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	38,50
	400	136,28
	404	108,30
	***	136,28
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	58,66
	404	—
	***	113,68
0406 90 77 100	028	21,66
	032	21,66
	036	—
	038	—
	400	53,04
	404	—
	***	99,99
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	58,66
	404	—
	***	122,15
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	67,69
	404	—
	***	122,15
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	50,66
	404	—
	***	103,52
0406 90 81 100		—

Product code	Destination (*)	Amount of refund (**)
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	117,33
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	38,51
	400	143,08
	404	81,23
	***	143,08
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	117,33
0406 90 85 995	028	24,82
	032	24,82
	036	—
	038	—
	400	58,66
	404	—
	***	122,15
0406 90 85 999		—
0406 90 89 100	028	12,19
	032	12,19
	036	—
	038	—
	400	80,77
	404	—
	***	80,77
0406 90 89 200	028	18,05
	032	18,05
	036	—
	038	—
	400	86,80
	404	—
	***	88,56
0406 90 89 300	028	21,66
	032	21,66
	036	—
	038	—
	400	98,65
	404	—
	***	99,99
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	38,50
	400	136,28
	404	81,23
	***	136,28

Product code	Destination (*)	Amount of refund (**)
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	117,33
	404	—
	***	117,33
0406 90 89 971	028	24,82
	032	24,82
	036	—
	038	—
	400	66,79
	404	—
	***	122,15
0406 90 89 972	028	—
	032	—
	400	35,23
	404	—
	***	43,29
0406 90 89 979	028	24,82
	032	24,82
	036	—
	038	—
	400	66,79
	404	—
	***	122,15
0406 90 89 990		—
0406 90 93 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		0,23
2309 10 15 300		0,31
2309 10 15 400		0,39
2309 10 15 500		0,47
2309 10 15 700		0,55
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		0,23
2309 10 19 300		0,31
2309 10 19 400		0,39
2309 10 19 500		0,47
2309 10 19 600		0,55
2309 10 19 700		0,58
2309 10 19 800		0,62
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		18,00
2309 10 70 200		24,00
2309 10 70 300		30,00

Product code	Destination (*)	Amount of refund (**)
2309 10 70 500		36,00
2309 10 70 600		42,00
2309 10 70 700		48,00
2309 10 70 800		52,80
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		0,23
2309 90 35 300		0,31
2309 90 35 400		0,39
2309 90 35 500		0,47
2309 90 35 700		0,55
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		0,23
2309 90 39 300		0,31
2309 90 39 400		0,39
2309 90 39 500		0,47
2309 90 39 600		0,55
2309 90 39 700		0,58
2309 90 39 800		0,62
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		18,00
2309 90 70 200		24,00
2309 90 70 300		30,00
2309 90 70 500		36,00
2309 90 70 600		42,00
2309 90 70 700		48,00
2309 90 70 800		52,80
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 208/93.
For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '***'.
Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

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

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EEC) No 2367/93

of 26 August 1993

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector (1), as last amended by Regulation (EEC) No 1548/93 (2), and in particular Article 16 (8) thereof,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93 (4), as last amended by Regulation (EEC) No 2359/93 (5);

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 25 August 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 August 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 154, 25. 6. 1993, p. 10.
(3) OJ No L 387, 31. 12. 1992, p. 1.
(4) OJ No L 159, 1. 7. 1993, p. 40.
(5) OJ No L 216, 26. 8. 1993, p. 16.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (3)
1701 11 10	36,72 (1)
1701 11 90	36,72 (1)
1701 12 10	36,72 (1)
1701 12 90	36,72 (1)
1701 91 00	41,62
1701 99 10	41,62
1701 99 90	41,62 (2)

(1) The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

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

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

COMMISSION REGULATION (EEC) No 2368/93

of 26 August 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1680/93 (4) and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 25 August 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1680/93 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 August 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 196, 5. 8. 1993, p. 22.
(3) OJ No L 387, 31. 12. 1992, p. 1.
(4) OJ No L 159, 1. 7. 1993, p. 8.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (8)
0709 90 60	131,54 (2) (3)
0712 90 19	131,54 (2) (3)
1001 10 00	153,83 (1) (5)
1001 90 91	130,36
1001 90 99	130,36 (9)
1002 00 00	135,60 (6)
1003 00 10	127,36
1003 00 20	127,36
1003 00 80	127,36 (9)
1004 00 00	80,57
1005 10 90	131,54 (2) (3)
1005 90 00	131,54 (2) (3)
1007 00 90	138,42 (4)
1008 10 00	41,97 (9)
1008 20 00	49,23 (4)
1008 30 00	49,23 (5)
1008 90 10	(7)
1008 90 90	49,23
1101 00 00	209,25 (9)
1102 10 00	219,50
1103 11 30	243,39
1103 11 50	243,39
1103 11 90	236,22
1107 10 11	242,92
1107 10 19	184,26
1107 10 91	237,58
1107 10 99	180,27
1107 20 00	208,29

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

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

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

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

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

(6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

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

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

COMMISSION REGULATION (EEC) No 2369/93

of 26 August 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 25 August 1993, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 August 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

---

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 196, 5. 8. 1993, p. 22.
(3) OJ No L 387, 31. 12. 1992, p. 1.
(4) OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2370/93

of 26 August 1993

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat (1), as last amended by Regulation (EEC) No 363/93 (2), and in particular the Article 10 thereof,

Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EEC) No 3857/92 (3), as last amended by Regulation (EEC) No 2011/93 (4);

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3857/92 to the quotations and other information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 September 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 289, 7. 10. 1989, p. 1.
(2) OJ No L 42, 19. 2. 1993, p. 1.
(3) OJ No L 390, 31. 12. 1992, p. 73.
(4) OJ No L 182, 24. 7. 1993, p. 50.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat (4)

(ECU/100 kg)

CN code	Week No 36 from 6 to 12 September 1993	Week No 37 from 13 to 19 September 1993	Week No 38 from 20 to 26 September 1993	Week No 39 from 27 September to 3 October 1993
0104 10 30 (1)	62,308	62,308	62,308	62,322
0104 10 80 (1)	62,308	62,308	62,308	62,322
0104 20 90 (1)	62,308	62,308	62,308	62,322
0204 10 00 (2)	132,570	132,570	132,570	132,600
0204 21 00 (2)	132,570	132,570	132,570	132,600
0204 22 10 (2)	92,799	92,799	92,799	92,820
0204 22 30 (2)	145,827	145,827	145,827	145,860
0204 22 50 (2)	172,341	172,341	172,341	172,380
0204 22 90 (2)	172,341	172,341	172,341	172,380
0204 23 00 (2)	241,277	241,277	241,277	241,332
0204 50 11 (2)	132,570	132,570	132,570	132,600
0204 50 13 (2)	92,799	92,799	92,799	92,820
0204 50 15 (2)	145,827	145,827	145,827	145,860
0204 50 19 (2)	172,341	172,341	172,341	172,380
0204 50 31 (2)	172,341	172,341	172,341	172,380
0204 50 39 (2)	241,277	241,277	241,277	241,332
0210 90 11 (3)	172,341	172,341	172,341	172,380
0210 90 19 (3)	241,277	241,277	241,277	241,332

(1) The levy applicable is limited in the conditions laid down by Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 3842/92 and Commission Regulations (EEC) No 19/82 and (EEC) No 3943/92.

(2) The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 3842/92 and Commission Regulations (EEC) No 19/82 and (EEC) No 3943/92.

(3) The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

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

COMMISSION REGULATION (EEC) No 2371/93

of 26 August 1993

fixing the import levies on frozen sheepmeat and goatmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat (1), as last amended by Regulation (EEC) No 363/93 (2), and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3858/92 (3), as last amended by Regulation (EEC) No 2012/93 (4);

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3858/92 to the quotations and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 September 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 289, 7. 10. 1989, p. 1.
(2) OJ No L 42, 19. 2. 1993, p. 1.
(3) OJ No L 390, 31. 12. 1992, p. 76.
(4) OJ No L 182, 24. 7. 1993, p. 52.

ANNEX

to the Commission Regulation of 26 August 1993 fixing the import levies on frozen sheepmeat and goatmeat (1) (2)

(ECU/100 kg)

CN code	Week No 36 from 6 to 12 September 1993	Week No 37 from 13 to 19 September 1993	Week No 38 from 20 to 26 September 1993	Week No 39 from 27 September to 3 October 1993
0204 30 00	103,178	103,178	103,178	103,200
0204 41 00	103,178	103,178	103,178	103,200
0204 42 10	72,225	72,225	72,225	72,240
0204 42 30	113,496	113,496	113,496	113,520
0204 42 50	134,131	134,131	134,131	134,160
0204 42 90	134,131	134,131	134,131	134,160
0204 43 10	187,784	187,784	187,784	187,824
0204 43 90	187,784	187,784	187,784	187,824
0204 50 51	103,178	103,178	103,178	103,200
0204 50 53	72,225	72,225	72,225	72,240
0204 50 55	113,496	113,496	113,496	113,520
0204 50 59	134,131	134,131	134,131	134,160
0204 50 71	134,131	134,131	134,131	134,160
0204 50 79	187,784	187,784	187,784	187,824

(1) The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 3842/92 and Commission Regulations (EEC) No 19/82 and (EEC) No 3943/92.

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

COMMISSION REGULATION (EEC) No 2372/93

of 26 August 1993

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 1554/93 (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 2120/93 (4), as amended by Regulation (EEC) No 2243/93 (5);

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2120/93 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 provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 63,855 per 100 kilograms.

2. However, the amount of the aid shall be confirmed or replaced with effect from 27 August 1993 to take account of the consequences of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 27 August 1993.

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

Done at Brussels, 26 August 1993.

For the Commission

René STEICHEN

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 154, 25. 6. 1993, p. 23.
(4) OJ No L 191, 31. 7. 1993, p. 50.
(5) OJ No L 200, 10. 8. 1993, p. 38.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 May 1993

relating to a proceeding under Council Regulation (EEC) No 4064/89 (Case IV/M. 291 - KNP/BT/VRG)

(Only the English text is authentic)

(93/466/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings [1], and in particular Article 8 (2) thereof,

Having regard to the Commission Decision of 18 January 1993 to initiate proceedings in this case,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission,

Having regard to the opinion of the Advisory Committee on Concentrations [2],

Whereas :

I. NATURE OF THE PROCEEDINGS

(1) These proceedings relate to a concentration that was notified to the Commission pursuant to Article 4 of Regulation (EEC) No 4064/89 ('The Merger Regulation') on 8 December 1992.

The concentration concerns the proposed merger of NV Koninklijke KNP (KNP), Bührmann-Tetterode NV (BT) and VRG-group (VRG). KNP has been transformed into a holding company (NV Koninkijke KNP BT) which made a public offer for all the shares of BT and VRG on 8 February 1993. The offer became unconditional on 5 March 1993.

In its Decision of 18 January 1993, the Commission declared that the proposed concentration raised serious doubts as to its compatibility with the common market. The Commission therefore initiated proceedings in this case pursuant to Article 6 (1) (c) of the Merger Regulation.

II. THE PARTIES

(2) KNP is one of the leading European producers of paper, board and packaging. KNP has three divisions: the fine paper division which produces wood-free coated paper; the publication paper division which produces wood-containing coated paper; and the solid board division which produces graphic board, solid board and wooden packaging.

(3) BT is a significant paper and packaging group. It has three main areas of activity in Europe, these being the graphic and business systems division which distributes printing and office systems, the graphic paper division which acts as an independent paper merchant, and the packaging divisions which produce flexible and protective packaging and solid board.

(1) OJ No L 395, 3. 12. 1989, p. 1; Corrigendum in OJ L No 257, 21. 9. 1990, p. 13.
(2) OJ No C 231, 27. 8. 1993, p. 5.

(4) VRG is a distributor of paper and printing systems. Its paper division acts as an independent paper merchant, the graphic systems division distributes printing systems, and the business systems division distributes office systems.

(5) KNP and BT own two 50/50 joint ventures, RP Europe BV and Corrugated Europe BV, involved in the production of corrugated board and boxes respectively.

KNP holds a controlling stake in Leykam-Mürztaler Papier (50,4 %) which is an Austrian paper company. KNP also holds a 50,6 % stake in VRG.

III. COMMUNITY DIMENSION

(6) The proposed concentration has a Community dimension. In 1991, the combined aggregate world-wide turnover of KNP, BT and VRG was ECU 5 579 million and each of the undertakings achieved more than ECU 250 million of their turnover in the Community (KNP, ECU 1 380 million, BT, ECU 1 909 million, VRG, ECU 1 038 million). The Parties did not achieve more than two-thirds of their Community-wide turnover in one and the same Member State.

It is not decisive for this conclusion to establish whether or not VRG is controlled by KNP.

IV. CONCENTRATION

(7) The merger between KNP, BT and VRG is a concentration within the meaning of Article 3 (1) (a) of the Merger Regulation.

V. COMPATIBILITY WITH THE COMMON MARKET

(8) The new group will have two main areas of activity of roughly equal size. The first brings together KNP and BT's paper and packaging manufacturing operations. The second will consist of the trading and distribution activities of BT and VRG in graphic paper, graphic systems, and information systems and office products.

A. Distribution and servicing of printing presses

1. *Market definition*

Product market

(9) The distribution of graphic systems includes the distribution of:

(i) equipment used to prepare images such as printing plates, scanners, etc. (pre-press);

(ii) printing presses;

(iii) equipment used for all finishing operations such as paper cutting, stitching machines, folding machines, collators and binding equipment (after-press);

(iv) printing supplies such as ink, film, foils, etc.;

(v) second hand presses.

Distribution of graphic systems also includes the servicing of the equipment sold.

The main area of interest within graphic systems is that of distribution and servicing of printing presses. BT and VRG achieve (...) [1] and (...) [2] respectively of their graphic systems turnover from printing presses. In other areas, there is little or no overlap and/or the combined market shares of the parties do not raise any competition concerns under the Merger Regulation. The assessment of the proposed concentration will focus therefore on distribution and servicing of printing presses.

(10) BT distributes and services Heidelberg printing press equipment in Belgium, the Netherlands, Luxembourg, France, Greece, Italy and Spain. This is organized on a country by country exclusive distributor basis. Heidelberg is the main European manufacturer in the market of general printing equipment. Heidelberg distributes and services its machines directly in Germany, the United Kingdom and Ireland.

(11) VRG distributes and services MAN-Roland printing press equipment in Belgium and the Netherlands, either as agent or distributor on an exclusive basis. This is carried out by separate national subsidiaries of VRG. MAN-Roland is the main competitor of Heidelberg.

(12) In general, manufacturers and distributors supply a complete range of printing press equipment. There are two main categories of printing press systems: sheet-fed (i.e. feeding of each page) and rotary web-fed (i.e. feeding with a big roll of paper). Within these two categories there are different types and configurations of machines (small-, medium- and large-size presses, and different permutations of number of colours, perforating,

[1] In the published version of the decision, some informations has hereinafter been admitted pursuant to the provisions of Article 20 (2) of the Merger Regulation.
[2] Roughly half.

numbering and coating capabilities etc). However, the activity of the parties consists in the provision of a service (distribution and servicing of printing presses) rather than in the manufacture of goods. Therefore, for the purposes of assessing the impact of the proposed concentration, it is not necessary to define different product markets for each type of machine according to their technical characteristics.

(13) The customers in this market are printers, e.g. of children's books, comics, labels, playing cards, advertising brochures, annual reports and, to a lesser extent, of newspapers and magazines. The printing presses constitute capital equipment for the printers and represent important investments for them.

A typical printing press would cost around ECU 0,5 million. Printers would have several presses depending on the size of the business. Equipment is regularly updated. Service and maintenance are crucial factors, since the activity of printers obviously depends on the proper functioning of their presses.

Geographic market

(14) It is stated in the notification that the markets for distribution of printing presses remain national. This is confirmed by the Commission's enquiries. Distribution is in practice organized by press manufacturers on national lines. Furthermore, most printers rely on local distributors for service and maintenance. In practice, this has led printers to buy locally because of their dependency on the distributors to service their machines.

(15) Purchasing patterns for printing presses confirm that the markets for distribution and servicing of printing presses tend to be national. Printers, including the main customers of the parties, regard availability of local service as an 'important' or in most cases an 'essential' factor when considering which printing press to buy. In general, availability of quick, or even immediate service is more important than price as a purchasing criterion. Even those printers who are large enough to develop their own in-house technical support depend to a large extent on local service for specialized and major repairs. Typically, a printer requires assurance that the distributor has a well developed local network and adequate expertise before purchasing a press. The further the distributor is from the client, the greater the delay in servicing a defective press, and the greater the risk of having to stop printing completely. Although it is difficult to establish with accuracy a precise limit for an acceptable distance, industry sources have indicated that they would consider a maximum of four to five hours' travel from the distributors' base to their own premises.

(16) Furthermore, as stated in recital 14, press manufacturers organize distribution on a national basis. These arrangements, especially the exclusive distributorships often granted by the main manufacturers of printing presses at national level reinforce the local character of the distribution and servicing market. In particular, customers in Belgium and the Netherlands contacted by the Commission have stated they would hesitate to bypass the national distributor and go directly to the manufacturer of the printing press.

(17) Prices. There seems to be a significant gap between prices of printing presses in Belgium and the Netherlands on the one hand, and in neighbouring countries on the other. Customers and their professional organizations estimate that the prices in these two countries exceed prices in Germany, for instance, by more than can be explained simply by transport costs.

Conclusion

(18) In view of the above, and taking into account the overlap of the distribution activities of BT and VRG in the area of printing presses, the relevant markets in which to assess the impact of the proposed concentration are those of the distribution and servicing of printing presses in Belgium and in the Netherlands.

2. *Assessment*

(19) Market shares for distribution of printing presses have been estimated by the parties as follows (% 1991):

	BT	VRG	BT + VRG
Belgium	(...)	(...)	(...)(1)
The Netherlands	(...)	(...)	(...)(1)

(1) In excess of 60 %.

The approximate value of the printing press markets in these countries is estimated at around ECU 200 million. Customers and their professional associations have confirmed that these estimates are in their view correct.

(20) BT and VRG currently compete against each other in the Netherlands and in Belgium. There is some competition to both mainly from the Japanese company Komori ([...] % market share in Belgium [...] % in the Netherlands). Komori distributes and services its own machines. The other printing press manufacturers Mitsubishi ([...] % in the Netherlands) and König & Bauer-Planeta have been quoted as potential suppliers by customers. Their current market shares, are, however, very low. These alternative suppliers do not have the service network, and the long established reputation of Heidelberg and MAN-Roland printing presses distributed by the Parties. In addition, they are not able to offer to printers the entire range of products distributed by the Parties (pre-press equipment, after-press equipment, printing supplies, graphic paper).

(21) The combination of BT and VRG as distributors of Heidelberg and MAN-Roland presses in the Netherlands and in Belgium would lead to the creation of a single entity in the distribution and servicing market controlling more than two thirds of the total market value. Moreover, Heidelberg and MAN-Roland are the main manufacturers of printing presses in neighbouring geographic markets.

(22) Customers would have little countervailing power towards the new entity. Demand is very fragmented. There are around 3 500 printing companies in the Netherlands and around 2 000 in Belgium (an estimated 96 % of which employ less than 50 persons). No single customer of the Parties currently accounts for more than 2 % of the Parties' sales.

(23) These customers would in addition be dependent on the new entity for maintenance and after-sales service because of the lack of adequate alternatives. Some independent providers of maintenance service do exist in Belgium and the Netherlands. However, they do not seem to constitute a satisfactory alternative for printers. They are mainly small local companies employing three to four persons, and their activities are often limited to either mechanical or electrical repairs. In addition, printers contacted by the Commission consider that independent companies would not guarantee repairs for major breakdowns, because they are not linked to the manufacturers of the presses and do not have direct access to the manufacturers' technological expertise. Resort to independent providers of maintenance service thus implies a considerable risk and in any case it is generally limited to smaller repairs.

(24) Customers would experience serious difficulties in switching to another make of printing presses in order to exert pressure on the merged entity. Printing presses have an average life of five to 10 years depending on technology and level of usage. In addition, given their cost, presses are only replaced progressively. In general, a press is usually replaced by another press of the same manufacturer after its usual useful life. Ordering presses from another manufacturer would increase the number of makes being used by each company. This would require additional staff for operating the new presses and/or additional training costs for staff, as well as increasing in-house stocks of frequently needed spare parts. The above are often cited by customers as obstacles to the purchase of presses from alternative suppliers.

(25) In view of their extensive service network, their position in the overall Community market and their long-established reputation, Heidelberg and MAN-Roland printing presses are the basic alternatives quoted by Dutch and Belgian printers for a choice of a press. If availability and/or service for either of these makes was not offered in satisfactory terms, the main alternative for a printer would to be turn to the other German manufacturer. The realistic threat of customers switching to presses of the other German manufacturer constitutes in itself the main competitive constraint on each of BT and VRG. Heidelberg and MAN-Roland are perceived both as offering similar quality presses and a sufficient and well structured distribution network. Larger printers tend to purchase simultaneously from both makes and they therefore have established relations with both BT and VRG subsidiaries. As a consequence of the proposed merger, the main competitive constraint on BT and VRG in Belgium and the Netherlands would be eliminated.

Barriers to entry

(26) Successful entry into the distribution and servicing market is closely linked to the reputation and technological complexity of the printing presses to be distributed. Printing presses are high technology products, and their manufacture requires significant investment in research and development and considerable product innovation. Only established manufacturers or distrubutors fully backed by a well known manufacturer are realistically in a position to gain a foothold and attain a significant share in the market for distribution of printing presses in Belgium and the Netherlands. Unlike in other distribution markets, the number of likely

candidates for entry in the relevant market is necessarily limited because of the technological skills required for servicing printing presses and the very reduced number of well established makes in these two countries.

(27) In view of the purchasing patterns prevailing in Belgium and the Netherlands, new entrants in the affected market would have to first develop an extensive local service network in these two countries. The time needed to build a brand name and reputation for quality of service comparable to that a MAN-Roland and Heidelberg is considerable. Customers believe that it would be difficult for newcomers to recruit staff with the necessary expertise. Customers would also need to be convinced of th manufacturer's commitment to a national market before taking the risk of switching suppliers.

(28) To a certain extent, customers also take into account the possibilities of selling printing presses in the second hand market when considering the purchase of a new press. According to several printers, only MAN-Roland and Heidelberg machines can be sold in a well developed second-hand market at adequate prices. In particular, there is no second-hand market for Japanese makes.

(29) Even if a potential entrant were ready to make the necessary investment to enter the Belgian and Dutch distribution markets, he would be aware of the constraints customers face in switching to another make of presses. It would necessarily need several years to start to gain market shares from the established position of the German manufacturers. This is particularly so since demand for printing services is stable and not expected to grow in the medium term which means that demand for printing presses in the next two to three years will be geared to replacing current stock, usually with the same makes.

Conclusion

(30) The merger between BT and VRG would therefore create a dominant position in the markets of distribution and servicing of printing presses in Belgium and the Netherlands. The structure of the markets concerned indicates that this dominant position is not likely to be quickly eroded. This dominant position is therefore not merely temporary and will significantly impede effective competition.

B. **Board**

1. *The market*

The product

(31) The parties are active in the processing of waste paper into board and subsequently into board boxes. Most board is used for transport packaging and graphic applications. The categories of board affected by this case are corrugated, solid, graphic and laminated board. Board made from virgin fibre or pulp (generally called folding box board) is not related to the proposed concentration.

(32) Corrugated board and solid board are mainly used for transport packaging. Corrugated board consists of liner board with a corrugated fluting while solid board is a heavy type of paper. In principle the board products are one-way packaging products which can be recycled.

Graphic board can be described as solid board for 'stiff material uses'. It can be defined as a heavy-weight solid board, with special properties, like rigidity and stability, which make it suitable for processing into, amongst other things, book covers, lever arch files and other filing systems, games boards and jigsaw puzzles.

Laminated board is a produkt made by gluing two or more layers of board and/or paper together, and it is used in similar applications to graphic board.

Manufacturing processes

(33) Both KNP and BT produce solid board and graphic board. This processing activity consists of mixing waste paper with water and certain additives, to obtain a paste which is further processed into rolls of greyboard. Greyboard, a term often used in the industry to refer to both solid and graphic board, can be described as an almost homogeneous material.

The equipment needed to treat waste paper and subsequently process it into board represent a substantial capital investment. Greyboard can be manufactured in different degrees of thickness (calliper) and density (grammage, usually expressed in grams per suqare metre). Grammage may range from 250 to 300 grams per square metre (generally recognized dividing line between paper and board) up to 2 000 grams per square metre. Greyboard of higher grammage is used for graphic applications. High grammages may be produced in-line (specialized machines) or by laminating off-line sheets of board of lower grammage.

(34) From the supply side, the transition from one category of board products to another is a gradual one and depending on the type of machinery installed, this homogeneity enables manufacturers to produce for either packaging end-uses, or graphic applications. For instance, two of the major competitors of solid board could use more than 50 % of their capacity to produce graphic board on multipurpose equipment.

(35) Corrugated board is made by laminating two sheets of test liner with a fluting paper inserted between them. Sheets of kraftliner may also be used for the outer face.

Uses

(a) Transport packaging

(36) Technical characteristics. In transport packaging, corrugated board is the most widely-used material accounting for an estimated 54 % of total transport packaging material used in Europe in 1992. Solid board accounted for 8 % of this overall market. The main other materials used are wood and plastic.

(37) Solid board and corrugated board are used to make boxes. Solid board has traditionally had a technical advantage over corrugated board for those applications involving wet, chilled and freezing environments, because of superior water resistance. Solid board also has the advantage of being more compact and resistant to pressure and to transport conditions. Furthermore, it has a better printability.

Because of its special characteristics, solid board is often used in applications such as packaging of agricultural, horticultural and frozen products, transportation of tools and pointed or sharp objects and for packaging of objects for public display. In particular, because corrugated board does not perform well in an extremely wet environment and does not have the strength of solid board, there is a market segment where solid board has an advantage over corrugated board. But even in this marginal segment, corrugated boxes are being used more and more. The parties have provided information to illustrate this point in the area of, for example, frozen foods.

(38) The main application of corrugated board is the packaging of dried products. Technological developments in machines converting corrugated board into boxes has made it possible to manufacture corrugated board boxes that can withstand most humid and wet conditions at comparable cost to solid board boxes. The relative strength of corrugated board has also improved because of technical developments in the recycling process of waste paper. Because of the improvements in technical characteristics, and reduction in the cost of corrugated board boxes, corrugated board is tending to replace solid board in traditional packaging applications such as for vegetables, e.g. tomatoes and cucumbers, and meat.

(39) Prices. When no special treatment is required, corrugated board boxes tend to be cheaper than solid board boxes. The parties estimate the cost difference at an average of [...] %. As mentioned above, corrugated board can be trated to improve its water resistance, printability and appearance. This additional processing would narrow the price differential with solid board.

In certain applications, one of the main clients of the parties accounting for [...] of their turnover, has confirmed that price differences between the corrugated and solid boxes it purchases for the same purpose can range from [...] to a maximum of [...] %.

(40) Conclusion. The question of whether corrugated and solid board belong to the same product market can be left open for the purpose of assessing this case. Even if a separate market for solid board were considered to exist, the proposed merger would not raise concerns as to its compatibility with the common market (see assessment below).

(b) Graphic applications

(41) From the demand side, buyers of graphic board do not consider corrugated board as a satisfactory substitute. Because of its internal fluting, corrugated board has a soft centre which makes it less rigid and more liable to bend and fracture when processed in the machines generally used in the industry. Plastic can be used only to a limited extent.

Graphic board is not substitutable by any other sort of board by reason of its characteristics and considerably higher price.

Geographical market

(a) Board for transport packaging

(42) Based on a 1990 McKinsey report, it is suggested in the notification that the relevant geographic markets for board products for packaging consist largely of regional markets crossing national

borders. One region for example would consist of the Benelux countries, northern France and central Germany. Another would consist of southern Germany, eastern France, Austria and Switzerland.

(43) Around 70 % of total Community sales are in the Netherlands, Belgium, France and Germany. There are indications that this block of countries is distinct from other relevant geographic markets. There are significant trade flows between these countries. This is the area where most producers and most customers are located. In principle, there are geograpical constraints to supply imposed by transport costs. In the past, at least, shipments have tended to travel not more than 500 kilometres, although some producers and customers have quoted larger distances.

(44) Transport costs. Most of the parties' centres of production are located in the Benelux and Germany. Cost for delivery of solid board boxes from the Benelux to the centre of France/north Italy amount to around Fl [...] per box and for delivery to Central Spain/South Italy they amount to [...] to Fl [...]. For example, the price in the Netherlands for boxes range from Fl [...] for a cucumber box to Fl [...] for a box for flowers and can be much higher for boxes used for other purposes. Thus, depending on the price of the box, transport costs for delivery to a distance of approximately 2 000 to 2 500 kilometre range between 17 % and 22 % for the cheaper boxes and between 7 % and 9 % for the more expensive boxes.

(45) Other barriers. The buyers of solid board or boxes generally require fast delivery, and their requirements are generally for custom-made boxes. As a result nearby producers have a substantial advantage over remote ones. There are no other major barriers to trade in board such as technical standards, lack of distribution networks, brand loyalty etc.

(b) Graphic board

(46) Users of graphic board buy readily outside their own Member State within the European Community. By contrast, although the parties sell some products to the Far East and to North America, for example, there is no indication that European customers buy from non-European suppliers. Imports into the Community are currently very limited. There is in any case an average common customs tariff of 10 % which does not apply to EFTA countries.

2. *Assessment*

(47) On the basis that corrugated and solid board constitute one single market, the merged entity would attain market shares below 20 % in the Community as a whole or in any regional market.

Even if corrugated board and solid board were considered to be separate markets, the proposed concentration would not lead to the creation or reinforcement of a dominant position for the following reasons.

BT and KNP have already put together their corrugated board activities in two 50/50 joint ventures. One which produces corrugated case materials and one which produces corrugated cases. The proposed merger has no direct impact on the companies' corrugated board activities. It is estimated that the parties have around 4 % of the overall sales of corrugated board cases in Europe making it the fourth largest European producer behind SCA [...], Smurfit and St Gobain. There are many other suppliers.

(48) If solid board were to be considered a completely distinct market, the market shares of the parties would be of significance in certain regional markets. However, it is not considered that the proposed concentration would lead to the creation of a dominant position for the reasons given below.

(49) Installed capacity in the Community for processing waste paper into greyboard can be estimated at least at two million tonnes. The actual figure would be higher if all small competitors were to be included. A list of the companies included in this estimate together with their respective capacity is provided in Annex I. The merged entity would account for around [...] % (1) of this capacity. Smurfit and British Plaster Board are the main competitors with shares of roughly [...] % (2) each. There are several other competitors with capacity to produce between [...] and [...] tonnes, located in Germany (such as Varel and Leinfelder), north of Italy (Rodano/Ovaro), north of Spain (Videcart/Catalana) and France (David Smith) and several smaller ones with tonnage below 50 000 (such as VPK in Belgium, Köhler in Germany, Oudin in France etc). In addition, there are many small producers (Danapack, Elfeler Pappenfabrik, La Rochette, etc.) whose capacity is not included.

(1) Less than 40 %.
(2) Less than 25 %.

(50) According to industry sources, spare capacity is estimated at 10 to 15 %. The Parties themselves have a rate of capacity utilization of 85 %. Although this level of capacity utilization is not unusually low for industry generally, it is an indication that competitors could expand their production if price levels were to increase. High capacity utilization rates are required in the paper and board sector to attain a reasonable level of profitability.

(51) The sales of the parties of solid board in tonnes for the last three years are given in Annex II for the two main applications of solid board (transport packaging and graphic uses).

(a) Transport packaging

(52) There are no reliable estimates for overall consumption of solid board for transport packaging in the European Community. Cepac (the professional association of pulp, paper and board manufacturers) estimates the market for all packaging board other than corrugated materials at roughly 2,4 millions tonnes. Industry sources estimate that of this figure, around 1,7 million tonnes would consist of solid board for packaging purposes. On the basis of these broad estimates, the Parties would hold a share of around [. . .] % (1) of total Community consumption. In order to verify the validity of these estimates, the Commission has contacted a number of manufacturers of solid board (see Annex II).

On the basis of the sales achieved by this sample of manufacturers, the Parties' combined market share would be around [. . .] %. This market share is only a maximum, since it was not possible for the Commission to contact all the smaller manufacturers of greyboard for transport packaging in the Community. Should these smaller manufacturers be included in the sample, the Parties' combined market share would be correspondingly lower.

It can be concluded from the above that in any case, the Parties' combined market share is certainly below 45 %.

(53) Within the area where transport costs represent between 5 to 10 % of the price of board (Benelux/France/Germany/North of Italy) the shares of the Parties would be at most [. . .] (2) of production. The capacity of production in this area is listed in Annex I. BPB, Smurfit, Varel, Leinfelder and David Smith's mill in Alsace are producers of waste-paper-based solid board in the area.

(54) In view of the shares attained by the parties, the available capacity of production in the area, the existence of spare capacity and the number of alternative suppliers inlcuding strong competitors such as Smurfit and BPB, the proposed merger does not lead to the creation or reinforcement of a dominant position, even under the assumption that substitution from corrugated board is to be totally excluded.

(b) Graphic board

(55) In the European Community overall, the parties have together about [. . .] % of total consumption of graphic board. This market share is based on overall estimates of consumption of board for graphic uses. Under the same approach followed for transport packaging (see recital 52 above), the maximum share attained by the parties would be around [. . .] % (2) (see Annex II). The first competitor of the new entity will be Smurfit with a market share of more than [. . .] %. Other significant competitors with shares up to [. . .] % such as British Plaster Board, David Smith, Reno, Rodano-Ovaro and Köhler will Smith, Reno, Rodano-Ovaro and Köhler will remain on the market. In view of the market share of the Parties and the existence of strong competitors and the high supply-side substitutability (see recital 34 above), the proposed merger does not lead to the creation or reinforcement of a dominant position.

C. Distribution of graphic paper

(56) Graphic paper is the common name for different kinds of coated and uncoated general printing and writing paper. This definition excludes newsprint. BT and VRG distribute graphic paper throughout the Community.

About one third of the paper which VRG sells and about one tenth of the paper that BT sells is produced by KNP. KNP has only a very small amount of direct sales.

(57) Graphic paper can be sold on the market either directly from the paper manufacturer to customers (direct sales) or through merchants (wholesalers). Merchants can supply paper either out of their warehouses or via the 'indent' method, i. e. the customer's order is exectued by the producer but is placed with the merchant, who takes care of the invoicing and receives a commission from the producer. Sales through agents of the paper manufacturers or other intermediaries on a commission basis also take place.

Merchants attract customers who need quick deliveries of small quantities and those who want a choice between a wide range of products. Producers attract customers who need bulk delivery at lower prices.

(1) Less than 35 %.
(2) Less than 45 %.

Distribution through merchants may be considered as a market distinct from direct sales by producers.

(58) With regard to the distribution of graphic paper, there is a geographical overlap between the activities of VRG and BT only in the Netherlands, Belgium and the United Kingdom.

The Parties state that the market for distribution of graphic paper by merchants is geographically restricted due to the need for prompt delivery of small quantities to customers who want to avoid stock maintenance.

Even taking the narrowest market definition in this respect, that is distribution of graphic paper through merchants in an individual Member State, the combined market shares of the new group will be around [...] % (1) in the Netherlands, around [...] % (2) in Belgium and around [...] % (3) in the United Kingdom, according to the Parties.

The Parties base their estimates on the following market volumes for distribution of graphic paper through merchants: 695 000 tonnes for the Netherlands, 540 000 tonnes in Belgium and 1 780 000 tonnes in the United Kingdom.

In all these markets there are significant other competitors such as Stora, Modo, International Paper (Scaldia), Graphisch Papier (PWA) and Arjo Wiggins in the Netherlands with market shares around [...] % — [...] % each; Stora (market share [...] %), Arjo Wiggins [...] %, Igepa [...] % in Belgium; Arjo Wiggins, Bunzl, Modo and PWA in the United Kingdom. These competitors include large paper manufacturers with international distribution networks and substantial expertise and resources.

There are several other smaller distributors, such as Finpaka, JVA and Nordland in Belgium and the Netherlands.

The presence of the same players in different Member States is an indication of the trend for paper manufacturers to set up distribution network throughout the Community. Recent entries at the merchant level in the three abovementioned Community countries included Modo in Belgium, Schneider and International Paper (the latter through the acquisition of Scaldia Paper) in the Netherlands.

Moreover, customers in these three countries contacted by the Commission stated that after the merger there would be sufficient alternative suppliers of graphic paper outside the merged entity able to provide the whole range of products supplied by BT and VRG. These customers have indicated that they currently purchase graphic paper from seven to 12 suppliers and all of them have been able to quote other potential sources of supply to which they could switch their orders.

(59) The cost of starting up distribution of graphic paper in small Member States such as Belgium and the Netherlands is relatively low. There are several alternative ways of entering into distribution of paper (agency, indent, purchase of a warehouse).

Industry sources consider that costs of entry would amount to an initial expenditure of around Bfrs [...] million, and start-up losses during four to five yeas of around Bfrs [...] million per year.

(60) In view of the above, it is considered that the new group will not have a dominant position in the market for distribution of graphic paper in Belgium or the Netherlands.

D. Other main areas of activity

Paper

(61) KNP has total sales of around ECU 600 million from paper production almost all in the Community, whilst Leykam is estimated to have total sales in the Community of around ECU 250 million. BT and VRG do not produce paper.

(62) KNP and Leykm together are estimated to account for [...] % (4) of the Community sales of woodfree coated paper, and [...] % (4) of the Communty sales of wood containing coated paper. The market leaders are the Swedish company Stora [...] % (4) overall grouping the two categories and the Finish company Kymmene [...] % (4). Arjo Wiggins is also a significant competitor with a share of [...] % (4) in this overall market.

(63) It does not appear that the level and scope of vertical integration of the new group would confer a significant further competitive advantage in the paper markets *vis-à-vis* the other strong competitor.

(1) Less than 45 %.
(2) Less than 25 %.
(3) Less than 20 %.

(4) Below 25 %.

Other markets

(64) The question of whether the new group would have significant buying power for waste paper supplies which would enable it to foreclose the market to completing buyers has also been examined.

There is no current shortage of waste paper supplies and it is generally expected that supply will increase in the next few years. There is no indication that an economic upturn would lead to any imbalance in supply an demand. In these circumstances it is not considered likely that foreclosure is possible.

E. Conclusion

(65) For all the reasons outlined above, the Commission concludes that the proposed merger between KNP, BT and VRG would create a dominant position as a result of which effective competition would be significantly impeded in a substantial part of the common market within the meaning of Article 2 (3) of Council Regulation No 4064/89. This is due to the position which the merged entity would obtain in the markets of distribution and servicing of printing presses in the Netherlands and Belgium.

VI. COMMITMENTS PROPOSED BY THE PARTIES

(66) The parties have offered to modify the original concentration plan as notified by entering into the following commitments:

'1. KNP, BT and VRG formally and irrevocably undertake to terminate, at the latest by 31 December 1993 the relationship with either MAN-Roland or Heidelberg for Belgium and the Netherlands, either in accordance with the terms of the agreement in question or by mutual consent.

2. In order to ensure that the undertaking in point 1 is properly implemented, KNP, BT and VRG (or the merged entity) undertake to divest, at the latest by 31 December 1993, of the assets related to the distribution and servicing of those printing presses for which the relationship with either MAN-Roland or Heidelberg, will be terminated. The sale of those assets shall include the transfer of the necessary staff and existing servicing contracts, in order to ensure that the purchaser is able to continue distribution and servicing of either MAN-Roland or Heidelberg printing presses in Belgium and the Netherlands from the moment it acquires those assets. Such sale shall not take place to natural or legal persons that would prevent it from achieving its full effect (i. e. continuation in Belgium and the Netherlands of distribution and servicing by third parties of those printing presses in respect of which the relationship is terminated). To that purpose, KNP, BT and VRG (or the merged entity), undertake to enter into good faith negotiations with any third party willing to purchase those assets on commercially reasonable terms.

3. If the Parties are not able to fulfil their undertaking to divest by 31 December 1993, this time limit may be extended by further periods of six months each, to a maximum of two extensions. Each request of extension shall be duly motivated. In particular, the Parties shall inform the Commission of the companies with which they have entered into negotiations, and they shall provide a description of those negotiations together with the reasons for which the negotiations were not successful.

4. During the abovementioned good faith negotiations, and in order to avoid any disruption in the provision of servicing on printing presses already distributed by the parties, nothing in these undertakings shall be construed as preventing the parties from complying with their present servicing obligations towards their customers, in particular any warranty obligations under existing distribution or servicing agreements.

5. Following implementation of the undertakings mentioned in points 1 and 2, neither KNP, BT, VRG, nor the merged entity shall carry out, directly or indirectly, any distribution or servicing activities for those printing presses for which the relationship is terminated in Belgium and the Netherlands. This obligation shall last as long as KNP, BT, VRG or the merged entity distributes and services either MAN-Roland or Heidelberg printing presses in those two countries. In addition, and without prejudice to their obligations under the Merger Regulation in respect of concentrations of Community dimension, KNP, BT, VRG or the merged entity undertake to inform the Commission in writing of any new distribution and/or servicing agreement with any third party, other than the remaining printing press manufacturer (either Man-Roland or Heidelberg), which they would enter into for Belgium nd the Netherlands, for a period of five years from the date of the Commission decision.

6. KNP means:

— the company KNP or any company controlling it directly or indirectly,

— any company controlled directly or indirectly by KNP or by a natural or legal person controlled directly or indirectly by KNP,

— any person acting on behalf of a company referred to in the two indents above.

BT means:

— the company BT or any company controlling it directly or indirectly,

— any company controlled directly or indirectly by BT or by a natural or legal person controlled directly or indirectly by BT,

— any person acting on behalf of a company referred to in the two indents above.

VRG means:

— the company VRG or any company controlling it directly or indirectly,

— any company controlled directly or indirectly by VRG or by a natural or legal person controlled directly or indirectly by VRG,

— any person acting on behalf of a company referred to in the two indents above.

The merged entity means:

— the entity resulting from the proposed concentration or any company controlling it directly or indirectly,

— any company controlled directly or indirectly by the merger entity or by a natural or legal person controlled directly or indirectly by the merged entity,

— any person action on behalf or a company referred to in the two indents above.'

(67) These commitments have to be taken into account in the assessment of the impact of the proposed concentration on the Dutch and Belgian markets for distribution and servicing of printing presses.

(68) The termination by the Parties of the relationship with either Heidelberg or MAN-Roland would mean that the distribution and servicing of the two main makes of printing presses will not be carried out by one single entity in Belgium and the Netherlands. The divestiture of the related assets, under the conditions set out in the commitments of the parties, will ensure that any third party will be in a position to take over the distribution and servicing activities of either BT or VRG without disrupting the existing arrangements. Competition between distributors of MAN-Roland and Heidelberg will therefore continue to be possible in Belgium and the Netherlands and the basic alternative choice customers of BT and VRG in these two countries had in the past will not be affected by the concentration.

(69) Consequently, the effects of the concentration outlined above in Secion A under Assessment, would not arise. The concentration, as modified by the undertakings entered into by the Parties, would not create or reinforce a dominant position as a result of which effective competition would be significantly impeded in a substantial part of the common market within the meaning of Article 2 (3) of the Merger Regulation.

(70) In view of the modification of the proposed concentration, and subject to full compliance with conditions and obligations within the meaning of the second subparagraph of Article 8 (2) of the Merger Regulation, the Commission is able to declare the concentration compatible with the common market.

(71) However it should be noted that if the relationship with either MAN-Roland or Heidelberg is not terminated within the time period set out in the Parties' commitment, or if any of the other obligations accepted by the Parties are breached, then the Commission has the right, pursuant to Article 8 (5), to revoke the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

Subject to full compliance with the conditions and obligations contained in the Parties' commitments *vis-à-vis* the Commission as set out in recital 66 of this Decision, the concentration notified by the Parties on 8 December 1992 is declared compatible with the common market.

Article 2

This Decision is addressed to:

1. Bührmann-Tetterode NV,
   Paalbergweg 2,
   NL-1105 AG Amsterdam,
   The Netherlands.

2. NV Koninklijke KNP,
   Bonairelaan 4,
   NL-1213 VH Hilversum,
   The Netherlands.

3. VRG-Groep NV,
   Hoogooddreef 62,
   NL-1101 BE Amsterdam-Zuidoost,
   The Netherlands.

Done at Brussels, 4 May 1993.

For the Commission
Karel VAN MIERT
Member of the Commission

ANNEX I

(in 1 000 tonnes)

Wastepaper board exluding corrugated	Capacities	
KNP BT		
Combined	[...]	[...] %
Smurfit BPB VPK Videcart Rodano/Ovaro Varel Leinfelder Reno de Medici David Smith Oudin Albert Köhler Mayr-Meinhof		
Total	2 339	100 %

ANNEX II

(in 1 000 tonnes)

Graphic uses	Sales in the European Community			
	1989	1990	1991	
KNP BT	[...] [...]	[...] [...]	[...] [...]	
Combined	[...]	[...]	[...]	[...]%
Smurfit BPB VPK Videcart Rodano/Ovaro Varel Leinfelder Reno de Medici David Smith Kohele Others				
Total			388	100 %

(in 1 000 tonnes)

Transport Packaging	Sales in the European Community			
	1989	1990	1991	
KNP BT	[...] [...]	[...] [...]	[...] [...]	
Combined	[...]	[...]	[...]	[...]%
Smurfit BPB VPK Videcart Rodano/Ovaro Varel Leinfelder Reno de Medici David Smith Kohele Others				
Total			1 169	100 %

COMMISSION DECISION

of 19 July 1993

authorizing Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC, in respect of oak *(Quercus* L.) logs with bark attached, originating in Canada or the United States of America

(93/467/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community [1], as last amended by Directive 93/19/EEC [2], and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, Portugal and the Netherlands,

Whereas, under the provisions of Directive 77/93/EEC, oak *(Quercus* L.) logs with bark attached, originating in Canada or the United States of America, may, in principle, not be introduced into the Community because of the risk of introducing *Ceratocystis fagacearum* (Bretz) Hunt., the cause of oak wilt;

Whereas the Commission has established, on the basis of the information available at present, that, in respect of both Canada and the United Statets of America, the risk of spreading *Cetocystis fagacearum* (Bretz) Hunt is obviated provided that special conditions are satisfied;

Whereas, however the seasonal shipment facilities for oak wood belonging to the white oak group are justified only in those parts of the Community where potential vectors of *Ceratocystis fagacearum* (Bretz) Hunt have little or no activity during the winter, i.e. in areas north of 45° latitude;

Whereas the Commission will ensure that Canada and the United States of America make available all technical information necessary to monitor the functioning of the protective measures required under the aforementioned technical conditions;

Whereas the measures provided for in Decision are in accordance with the opinion of the Standing Committee on Plant Health,

(1) OJ No L 26, 31. 1. 1977, p. 20.
(2) OJ No L 96, 22. 4. 1993, p. 33.

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorized, with effect from 1 June 1993, to provide, under the conditions laid down in paragraph 2, for derogations from Article 5 (1) and the third indent of Article 12 (1) (a) of Directive 77/93/EEC, with regard to the requirements referred to in Part A, Section I, item 3 of Annex IV for oak *(Quercus* L.) logs with bark attached, originating in Canada or the United States of America.

2. The following conditions shall be satisfied:

(a) each log shall,

(i) where it originates in Canada, either

— be fumigated and so identified in accordance with the provisions laid down in Annex I, or

— be marked, in the area of origin and under the supervision of officials of 'Agriculture Canada', with a sign which is suitable to ensure the Canadian origin of the log, and has been approved by 'Agriculture Canada';

(ii) where it originates in the United States of America, be fumigated and so identified in accordance with the provisions laid down in Annex I; in the case of logs originating in the United States of America, but to be dispatched via Canadian ports of shipment, all or part of the measures to be undertaken under Annex I by the official plant protection organization concerned may be carried out by 'Agriculture Canada';

(b) without prejudice to the provisions laid down in (c), the logs may be imported into the Community only via the following ports of unloading:

— Amsterdam,
— Anwerp,
— Århus,
— Bilbao,
— Bremen,
— Bremerhaven,
— Copenhagen,
— Hamburg,
— Lauterborg,
— Leghorn,
— Le Havre,
— Lisbon,
— Marseilles,
— Naples,
— Nordenham,
— Oporto,
— Piraeus,
— Ravenna,
— Rostock,
— Rotterdam,
— Salerno,
— Stralsund,
— Valencia,
— Wismar.

Upon notification by the Member States concerned, changes to the list of ports of unloading can be made by the Commission, after consultation with the other Member States ;

(c) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by officials specially instructed or trained for the purposes of this Decision with the assistance of the experts referred to in Article 19a of Directive 77/93/EEC under the procedure laid down therein, either in the ports mentioned in (b) or at the first place of storage referred to in (e) ; should the port of unloading and the first place of storage be located in different Member States, the conditions for information related to the arrival of the consignment and the place where the inspections are carried out shall be determined in agreement between the responsible official bodies referred to in the said Directive of the relevant Member States ;

(d) the inspections referred to in (c) shall comprise at least :

— a thorough examination of each phytosanitary certificate,

— an identity check consisting of comparing the marking on each log and the number of logs with the information given in the related phytosanitary certificate,

— a fumigation colour reaction test as specified in Annex II, on an appropriate number of the logs selected at random from each consignment.

Where the inspections referred to in (c) do not give full evidence for compliance with the conditions laid down in (a), the whole consignment shall be rejected and removed from the Community, and the said responsible official bodies of all other Member States and the Commission shall immediately be informed by telefax of the details of the consignment concerned ;

(e) the logs shall be stored only at places which have been notified to and approved by the said responsible official bodies and which have appropriate and approved wet storage facilities, available at least for the period specified in (f) ;

(f) the logs shall be subject to continuous wet storage, starting at the latest at the time of flushing in the neighbouring oak stands ;

(g) the neighbouring oak stands shall be regularly inspected for symptoms of *Ceratocystis fagacearum* (Bretz) Hunt at appropriate times by the said responsible official bodies. Where symptoms which may have been caused by *Ceratocystis fagacearum* (Bretz) Hunt are found on inspection, further official testing shall be carried out in accordance with appropriate methods to confirm whether or not this fungus is present ; where its presence is confirmed, the Commission shall immediately be informed thereof by telefax ;

(h) the logs shall be processed only at plants which have been notified to and approved by the said responsible official bodies. The bark and other waste arising from processing shall immediately be destroyed at the place of processing ;

(i) fumigated logs may be exempted from the conditions laid down in (e), as far as the west storage facilities are concerned, and in (f) and (h), second sentence ;

(j) prior to import, the importer shall notify each instance of importation sufficiently in advance to responsible official bodies of the Member State of the envisaged first place of storage, indicating :

— the quantity of logs,

— the country of origin,

— the port of shipment,

— the port or ports of unloading,

— the place or places of storage,

— the place or places where processing will be carried out ;

(k) the importer shall be officially informed, prior to import, of the conditions laid down in this Decision ; copies of the aforementioned information shall be conveyed officially to the official authorities competent in respect of the port of unloading.

Article 2

Member States, other than Greece, Spain, Portugal and Italy, may exempt logs of *Quercus* species belonging to the white oak group from the fumigation condition laid down in Article 1 (2) (a), provided that the following conditions are satisfied ;

(a) the logs are in consignments composed solely of logs belonging to species of the white oak group, and are so identified in accordance with the provisions laid down in Annex III ;

(b) the logs shall have been dispatched from the ports of shipment not earlier than 15 October and reach the ports of unloading not later than 30 April provided that wet storage referred to in Article 1 (2) (f) is ensured by that latter day at the latest, subject to certain tolerances which may be granted by the plant protection organization of the Member State concerned, for reasons for unforeseeable delays in arrival ;

(c) the logs shall not be permitted to be introduced into or through areas south of 45° latitude ; however, Marseilles may be used as port of unloading, provided that it is ensured that the consignment is moved immediately to areas north of 45° latitude ;

(d) the inspections referred to in Article 1 (2) (c) and (d) shall comprise, in place of the fumigation colour reaction test, a white oak log identification colour test as specified in Annex III, on at least 10 % of the logs selected at random from each consignment.

Article 3

This Decision shall expire on 31 December 1994. It shall be revoked if it is established that the conditions laid down therein are not sufficient to prevent the introduction of *Ceratocystis fagacearum* (Bretz) Hunt or have not been complied with.

Article 4

The Member States shall notify the Commission and the other Member States of the provisions under which they make use of the authorization granted in Article 1.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 19 July 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

PROVISIONS IN RESPECT OF FUMIGATION AND RELATED IDENTIFICATION

1. The logs shall be piled under a gas-proof cover in such a way and to such a height as to ensure effective gas dispersal through the logs.

2. The pile shall undergo fumigation with pure methyl bromide which is carried out at a minimum rate of 240 g/m^3 of total volume under cover for 72 hours and at an initial temperature of the logs of + 5 °C at least, and which meets any additional requirement set up by the official plant protection organization of either Canada (i.e. 'Agricultural Canada') or the United States of America (i.e. 'Animal and Plant Health Inspection Service' — APHIS). After 24 hours of treatment, an addition of gas shall be made to regain the aforementioned concentration; the temperature of the logs shall be maintained at + 3 °C, at least, throughout the procedure. It may be decided, based on scientific evidence and in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC, that other schedules shall or may be used.

3. The fumigation procedures as described in 1 and 2 shall be carried out by officially licensed fumigation operatives, using proper fumigation facilities and qualified staff to requisite standards.

   The operatives shall be informed of the details of the procedures required for log fumigation.

   The lists of licensed fumigation operatives and their changes shall be notified to the Commission. The Commission reserves the right to declare that individual licensed fumigation operatives can no longer be accepted for the purpose of this Decision.

   The sales at which the licensed operatives shall carry out the fumigation procedures shall preferably be located at the ports of shipment to the Community, but selected inland sites may be approved by the official plant protection organization concerned.

4. A fumigation batch identification mark (digits and/or letters) shall be placed in a non-removable manner on the base end of each log of the pile undergoing fumigation. The fumigation batch identification mark shall be reserved to the shipper. It shall not have been used for logs of other batches. Records of the identification marks shall be kept by the licensed fumigation operatives.

5. The individual fumigation procedure including the marking referred to in 4 shall systematically be supervised at the fumigation sites, directly by officials of the official plant protection organization concerned or by cooperating State/province officials in such a way as to guarantee compliance with the requirements laid down in 1, 2, 3 and 4.

6. The official phytosanitary certificate required pursuant to Article 12 (1) (b) of Directive 77/93/EEC shall be issued by the official plant protection organization concerned after finalization of the fumigation, and be based on the actions mentioned in 5 and the examination carried out in accordance with Article 6 of the said Directive relating to the conditions laid down in Article 6 (1) (a) of that Directive and in this Annex.

7. This certificate shall indicate the botanical name of the genus or the species, the number of logs in the consignment and the fumigation batch identification marks referred to in 4, without prejudice to the information required under the section related to disinfestation and/or disinfection treatment.

   In all cases, the certificate shall bear the following 'Additional Declaration':

   'It is hereby certified that the logs shipped under this certificate have been fumigated by .... (licensed fumigation operative) .... at .... (fumigation site) .... in accordance with the provisions laid down in Annex I of EEC Commission Decision 93/467/EEC.'

ANNEX II

PROVISIONS FOR A FUMIGATION COLOUR REACTION TEST

The fumigation colour reaction test referred to in Article 1 (2) (d) third indent shall be performed as follows:

Samples of the entire sapwood thickness shall be taken with an increment borer from areas with intact bark at least one metre from the log ends and soaked in a freshly prepared (less than one day old) 1 % solution of 2,3,5-triphenyl-2H-tetrazolium chloride (TTC) made with distilled water. Samples which show no red coloration after three days soaking are considered as having been adequately fumigated.

ANNEX III

PROVISIONS IN RESPECT OF WHITE OAK LOG IDENTIFICATION

1. Officials of the official plant protection organization concerned shall have identified each log as belonging to the white oak group either by visual means, as far as possible, or by carrying out white oak log identification colour tests as specified in 2. This identification colour test shall be performed on at least 10 % of the logs per consignment.

2. The white oak log identification colour test shall be carried out by means of spraying or painting 10 % sodium nitrite solution to an area of clean superficially dried heartwood at least five centimetres in diameter. Evaluation of the test shall be done within 20 to 60 minutes of application. At temperatures below − 2,5 °C, 20 % ethylene glycol can be added to the solution as an antifreeze agent. Samples of logs in which the natural colour initially turns reddish brown becoming black to grey blue in later stages are considered as belonging to the white oak group.

3. Each log shall be marked 'WO', under the supervision of the official plant protection organization concerned or cooperating State/province officials.

4. The official phytosanitary certificate required pursuant to Article 12 (1) (b) of Directive 77/93/EEC shall be issued by the official plant protection organization concerned, and be based on the actions mentioned in 1, 2 and 3. The certificate shall indicate the botanical name of the genus or the species and the number of logs in the consignment. It shall bear the following 'Additional Declaration':

   'It is hereby certified that the logs shipped under this certificate belong solely to species of the white oak group.'