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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 283/91

of 4 February 1991

suspending tariff concessions and increasing the duties applicable under the common customs tariff to certain products falling within CN code 5607

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Brazil, the principal supplier of certain products falling within CN code 5607, has introduced a tax of 13 % on exported raw sisal;

Whereas these measures are causing considerable injury to the Community producers concerned and threaten the balances of concessions and obligations resulting from the General Agreement on Tariffs and Trade (GATT);

Whereas consultations between Brazil and the Community under Article XXII of the GATT have been to no avail;

Whereas, under the provisions of Article XXVIII.5 of the GATT, a Contracting Party has the right to modify or withdraw any concession on its schedule;

Whereas negotiations between the Community and Brazil in accordance with Article XXVIII of the GATT have failed to produce a satisfactory solution to the problem;

Whereas it is appropriate in the present situation to have recourse to the said provisions;

Whereas concessions for certain products falling within CN Code 5607 should therefore be suspended and the customs duties applicable to these products increased; whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾ as last amended by Commission Regulation (EEC) No 53/91⁽²⁾, should, as a result, be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Council Regulation (EEC) No 2658/87 shall be amended as follows:

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 7, 10. 1. 1991, p. 14.

CN code	Description	Rate of duty		Supplementary unit
		autonomous (%)	conventional (%)	
1	2	3	4	5
5607	Twine, cordage, ropes and cables, whether or not impregnated, coated, covered or sheathed with rubber or plastics			
5607 10 00	— (unchanged)	(unchanged)	(unchanged)	(unchanged)
	— — of sisal or other textile bast fibres of the genus <i>Agave</i> :			
5607 21 00	— — Binder or baler twine	16 ⁽¹⁾	12 ⁽²⁾	—
5607 29	— — Other :			
5607 29 10	— — — Measuring more than 100 000 decitex (10 g/m)	16 ⁽¹⁾	12 ⁽²⁾	—
5607 29 90	— — — Measuring 100 000 decitex (10 g/m) or less	16 ⁽¹⁾	12 ⁽²⁾	—

⁽¹⁾ The autonomous duty applicable to sisal products is set at 25 %.

⁽²⁾ The conventional duties on the import of sisal products are not applicable.

Article 2

1. The release for free circulation of products of the type concerned by this Regulation may be subject to production of proof of their origin.
2. The procedures for the application of this Article shall be adopted in accordance with Article 14 of Regulation (EEC) No 802/68 ⁽¹⁾, as last amended by Regulation (EEC) No 1769/89 ⁽²⁾.

Article 3

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 4 February 1991.

For the Council

The President

J. F. POOS

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽²⁾ OJ No L 174, 22. 6. 1989, p. 11.

COMMISSION REGULATION (EEC) No 284/91

of 6 February 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3844/90 ⁽⁵⁾ and subsequent amending Regulations ;

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

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

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

Whereas these exchange rates being those recorded on 5 February 1991 ;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3844/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 13.

ANNEX

to the Commission Regulation of 6 February 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies
	Third country
0709 90 60	141,99 ⁽²⁾ ⁽³⁾
0712 90 19	141,99 ⁽²⁾ ⁽³⁾
1001 10 10	203,98 ⁽¹⁾ ⁽²⁾
1001 10 90	203,98 ⁽¹⁾ ⁽²⁾
1001 90 91	197,55
1001 90 99	197,55
1002 00 00	160,25 ⁽⁶⁾
1003 00 10	164,49
1003 00 90	164,49
1004 00 10	150,02
1004 00 90	150,02
1005 10 90	141,99 ⁽²⁾ ⁽³⁾
1005 90 00	141,99 ⁽²⁾ ⁽³⁾
1007 00 90	148,49 ⁽⁴⁾
1008 10 00	70,11
1008 20 00	132,22 ⁽⁴⁾
1008 30 00	79,27 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	79,27
1101 00 00	290,76 ⁽⁸⁾
1102 10 00	238,54 ⁽⁸⁾
1103 11 10	329,62 ⁽⁸⁾
1103 11 90	312,75 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 285/91

of 6 February 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

Whereas these exchange rates being those recorded on 5 February 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 6 February 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	4,86
0712 90 19	0	0	0	4,86
1001 10 10	0	0	0	0,86
1001 10 90	0	0	0	0,86
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	4,86
1005 90 00	0	0	0	4,86
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,16	3,16	3,18
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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 286/91

of 6 February 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as amended by Regulation (EEC) No 3577/90⁽²⁾,Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 14 January 1991, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 14 January 1991, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 9 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 1, being fixed in accordance with those Annexes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 14 January 1991, the level of the premium is fixed at ECU 94,054 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 14 January 1991, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 14 January 1991.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.⁽⁵⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 6 February 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 6 February 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	44,205	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	94,054	0
0204 21 00	94,054	0
0204 50 11		0
0204 22 10	65,838	
0204 22 30	103,459	
0204 22 50	122,270	
0204 22 90	122,270	
0204 23 00	171,178	
0204 30 00	70,541	
0204 41 00	70,541	
0204 42 10	49,379	
0204 42 30	77,595	
0204 42 50	91,703	
0204 42 90	91,703	
0204 43 00	128,385	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	122,270	
0210 90 19	171,178	
1602 90 71 :		
— unboned (bone-in)	122,270	
— boned or boneless	171,178	

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

COMMISSION REGULATION (EEC) No 287/91

of 6 February 1991

amending Regulation (EEC) No 3578/88 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Articles 6 (2), 6a and 12 thereof,

Regulation (EEC) No 3578/88 is hereby amended as follows :

1. Articles 1 and 2 are hereby replaced by the following :

Whereas the provisions of Articles 1 and 2 of Commission Regulation (EEC) No 3578/88 ⁽³⁾, as last amended by Regulation (EEC) No 3219/90 ⁽⁴⁾, can be made clearer and more homogenous by expressing them in terms of the conversion rate of the ecu referred to in Article 3 (1) of Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ;

Article 1

For the purposes of this Regulation :

- "representative market rate" means the conversion rate of the ecu referred to in Article 3 (1) of Regulation (EEC) No 1676/85,
- "representative market rate valid from the day before the realignment" means the representative market rate used on the occasion of the last fixing of the applied monetary gaps,
- "representative market rate valid immediately after the realignment" means the representative market rate determined on the basis of the period of the two working days following the realignment.

Whereas Article 4 of Regulation (EEC) No 3578/88 lays down detailed rules for small monetary gaps to be dismantled as part of the automatic dismantlement arrangements for gaps created on the occasion of a monetary realignment; whereas experience has shown that there is a need for these rules to be adapted so as to prevent the carryover of the dismantlement of certain small gaps ;

Article 2

1. The total of the newly created real monetary gaps shall be the difference between the representative market rate valid immediately after the preceding realignment and that valid immediately after the realignment in question, expressed as a percentage of the agricultural conversion rate of the product group concerned.

Whereas Article 7 of Regulation (EEC) No 3578/88 lays down detailed rules for the automatic dismantlement of the monetary gaps in the pigmeat sector; whereas these rules should be drawn up afresh so as to provide for a more rapid and total dismantlement which would reduce the risk of frequent economically unjustified adjustments of the monetary compensatory amounts, and at the same time simplify the arrangements and obviate the need for a derogation from Article 5 (3) of Council Regulation (EEC) No 1677/85 ;

However, the calculation referred to in the first subparagraph shall be effected on the basis of the representative market rate valid on the day before the realignment in question instead of that valid immediately after the preceding realignment, where the latter is the higher.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

2. The newly created transferred real monetary gaps shall be equal to the result, multiplied by 100, of a calculation of the difference between the old value and the new value of the correcting factor, as referred to in Article 6 (1) of Regulation (EEC) No 1677/85, multiplied by the representative market rate valid immediately after the realignment, divided by the said new value of the correcting factor and by the agricultural conversion rate for the product group concerned.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽⁴⁾ OJ No L 308, 8. 11. 1990, p. 21.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

3. The newly created natural real monetary gaps shall be equal to the difference between the total of the newly created real monetary gaps referred to in paragraph 1 and the newly created transferred real monetary gaps referred to in paragraph 2.'
2. In Article 4, paragraph 1 is hereby replaced by the following :
- '1. Where the total of the newly created real monetary gaps, as referred to in Article 2 (1), is less than or equal to 0,5 points, the real monetary gap in question shall be dismantled immediately in its entirety after the realignment.'
3. Article 7 is hereby replaced by the following :

Article 7

1. Each time the representative market rate used for calculating monetary compensatory amounts is fixed, the agricultural conversion rate for pigmeat shall be adjusted immediately in such a way as to eliminate the real monetary gap in this sector.
2. Where the adjustment of the agricultural conversion rate referred to in paragraph 1 results in a difference between the real monetary gaps for pigmeat on the one hand and for cereals on the other in excess of :

- 8 000 points for Member States which maintain their currencies among themselves within a maximum spread at any given time of 2,25 %,
- 7 000 points for other Member States,

such adjustment shall be made on the basis of a real monetary gap equal to that applicable to cereals less the number of points in question.

The adjustment of the agricultural conversion rate for pigmeat shall be made by the Commission in accordance with the provisions of this Article and, in the case of realignment within the framework of the European Monetary System, in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1677/85.'

4. In the last subparagraph of paragraph 1 and in paragraph 2 of Article 7a, 'market rate corresponding to the real monetary gap calculated immediately after the realignment' is hereby replaced by 'representative market rate valid immediately after the realignment'.

Article 2

This Regulation shall enter into force on the date 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, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 288/91

of 6 February 1991

amending Regulation (EEC) No 3007/84 laying down detailed rules for the application of the premium for producers of sheepmeat

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 amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 5 ⁽⁹⁾ thereof,

Whereas Article 5 of Regulation (EEC) No 3013/89 provides for the grant of a premium to sheepmeat producers; whereas the detailed implementing rules for the grant of the premium are laid down in Commission Regulation (EEC) No 3007/84 ⁽³⁾, as last amended by Regulation (EEC) No 1260/90 ⁽⁴⁾;

Whereas Article 3 (4) of Regulation (EEC) No 3007/84 provides for the Member States to notify certain information concerning the premium applications presented for each marketing year; whereas so that adjustments can be made in the compilation of official statistics for the sheepmeat and goatmeat sector this information should also be made available to the national agencies responsible for compiling them;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following second subparagraph is hereby issued to Article 3 (4) of Regulation (EEC) No 3007/84:

'These particulars must, at the request of the national agencies responsible for compilation of official statistics in the sheepmeat and goatmeat sector, be made available to them.'

Article 2

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

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 283, 27. 10. 1984, p. 28.

⁽⁴⁾ OJ No L 124, 15. 5. 1990, p. 15.

COMMISSION REGULATION (EEC) No 289/91

of 6 February 1991

fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90

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 3577/90⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 2786/90⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 983/90, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 40th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 40th partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 41,601 per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 100, 20. 4. 1990, p. 9.

⁽⁴⁾ OJ No L 265, 28. 9. 1990, p. 15.

COMMISSION REGULATION (EEC) No 290/91
of 6 February 1991
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 217/91 ⁽³⁾, as amended by Regulation (EEC) No 256/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 217/91 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 217/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 26, 31. 1. 1991, p. 5.

⁽⁴⁾ OJ No L 27, 1. 2. 1991, p. 73.

ANNEX

to the Commission Regulation of 6 February 1991 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	35,63 ⁽¹⁾	
1701 11 90 910	35,78 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,63 ⁽¹⁾	
1701 12 90 910	35,78 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3873
1701 99 10 100	38,73	
1701 99 10 910	38,90	
1701 99 10 950	38,90	
1701 99 90 100		0,3873

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

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

COMMISSION REGULATION (EEC) No 291/91

of 6 February 1991

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 205/91⁽⁷⁾, as last amended by Regulation (EEC) No 281/91⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

(¹) OJ No L 281, 1. 11. 1975, p. 1.
 (²) OJ No L 353, 17. 12. 1990, p. 23.
 (³) OJ No L 166, 25. 6. 1976, p. 1.
 (⁴) OJ No L 177, 24. 6. 1989, p. 1.
 (⁵) OJ No L 164, 24. 6. 1985, p. 1.
 (⁶) OJ No L 201, 31. 7. 1990, p. 9.
 (⁷) OJ No L 23, 29. 1. 1991, p. 24.
 (⁸) OJ No L 34, 6. 2. 1991, p. 8.
 (⁹) OJ No L 182, 3. 7. 1987, p. 49.
 (¹⁰) OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 5 February 1991;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 205/91 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 7 February 1991.

(¹¹) OJ No L 168, 25. 6. 1974, p. 7.
 (¹²) OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 February 1991 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) ^(*)
0714 10 10 ⁽¹⁾	161,87	168,52
0714 10 91	165,50 ^{(3) (7)}	165,50
0714 10 99	163,69	168,52
0714 90 11	165,50 ^{(3) (7)}	165,50
0714 90 19	163,69 ⁽³⁾	168,52
1102 90 10	297,90	303,94
1103 19 30	297,90	303,94
1103 29 20	297,90	303,94
1104 11 10	168,81	171,83
1104 11 90	331,00	337,04
1104 21 10	264,80	267,82
1104 21 30	264,80	267,82
1104 21 50	413,75	419,79
1104 21 90	168,81	171,83
1106 20 10	161,87 ⁽³⁾	168,52
1107 10 91	294,59	305,47 ⁽²⁾
1107 10 99	220,12	231,00
1107 20 00	256,53	267,41 ⁽²⁾
2302 10 10	70,44	76,44
2302 10 90	150,95	156,95
2302 20 10	70,44	76,44
2302 20 90	150,95	156,95
2302 30 10	70,44	76,44
2302 30 90	150,95	156,95
2302 40 10	70,44	76,44
2302 40 90	150,95	156,95

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (⁷) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States or in the overseas countries and territories.
- (⁸) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.
-

COMMISSION REGULATION (EEC) No 292/91
of 6 February 1991
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 15/91 ⁽³⁾, as last amended by Regulation (EEC) No 225/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 15/91 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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

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

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

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

Whereas these exchange rates being those recorded on 5 February 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,38 per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 2, 4. 1. 1991, p. 8.

⁽⁴⁾ OJ No L 26, 31. 1. 1991, p. 33.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 293/91
of 6 February 1991
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 163/91⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3866/90⁽⁷⁾, as last amended by Regulation (EEC) No 243/91⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3866/90 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 7 February 1991.

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

Done at Brussels, 6 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 22, 28. 1. 1991, p. 49.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 367, 29. 12. 1990, p. 80.

⁽⁸⁾ OJ No L 27, 1. 2. 1991, p. 41.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
1. Gross aids (ECU):						
— Spain	0,186	0,000	0,000	0,000	0,000	—
— Portugal	29,346	28,930	29,008	28,686	28,686	—
— Other Member States	22,376	21,960	22,038	21,716	21,716	—
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	52,68	51,70	51,88	51,12	51,12	—
— Netherlands (Fl)	59,35	58,25	58,46	57,60	57,60	—
— BLEU (Bfrs/Lfrs)	1 086,50	1 066,30	1 070,08	1 054,45	1 054,45	—
— France (FF)	176,67	173,39	174,00	171,46	171,46	—
— Denmark (Dkr)	200,93	197,20	197,90	195,01	195,01	—
— Ireland (£ Irl)	19,663	19,298	19,366	19,083	19,083	—
— United Kingdom (£)	17,186	16,847	16,904	16,619	16,619	—
— Italy (Lit)	39 414	38 681	38 819	38 252	38 252	—
— Greece (Dr)	4 681,55	4 547,62	4 524,82	4 402,08	4 402,08	—
— in Spain (Pta)	109,72	49,80	60,50	7,21	7,21	—
— in Portugal (Esc)	6 132,80	6 046,54	6 061,51	5 985,49	5 985,49	—

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
1. Gross aids (ECU):						
— Spain	2,686	2,270	2,348	2,026	2,026	—
— Portugal	31,846	31,430	31,508	31,186	31,186	—
— Other Member States	24,876	24,460	24,538	24,216	24,216	—
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	58,56	57,58	57,77	57,01	57,01	—
— Netherlands (Fl)	65,99	64,88	65,09	64,23	64,23	—
— BLEU (Bfrs/Lfrs)	1 207,89	1 187,69	1 191,47	1 175,84	1 175,84	—
— France (FF)	196,41	193,13	193,74	191,20	191,20	—
— Denmark (Dkr)	223,38	219,65	220,35	217,46	217,46	—
— Ireland (£ Irl)	21,860	21,495	21,563	21,280	21,280	—
— United Kingdom (£)	19,135	18,796	18,853	18,568	18,568	—
— Italy (Lit)	43 818	43 085	43 222	42 655	42 655	—
— Greece (Dr)	5 238,81	5 104,88	5 082,08	4 959,34	4 959,34	—
— Spain (Pta)	491,96	432,04	442,74	389,45	389,45	—
— Portugal (Esc)	6 654,49	6 568,23	6 583,20	6 507,18	6 507,18	—

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1. Gross aids (ECU):					
— Spain	31,229	31,016	31,076	31,187	31,085
— Portugal	40,131	39,928	39,993	40,108	40,008
— Other Member States	27,891	27,688	27,753	27,868	27,768
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	65,66	65,18	65,34	65,61	65,37
— Netherlands (Fl)	73,98	73,44	73,62	73,92	73,66
— BLEU (Bfrs/Lfrs)	1 354,28	1 344,43	1 347,58	1 353,17	1 348,31
— France (FF)	220,22	218,61	219,13	220,04	219,25
— Denmark (Dkr)	250,46	248,64	249,22	250,25	249,35
— Ireland (£ Irl)	24,510	24,332	24,389	24,490	24,402
— United Kingdom (£)	21,449	21,279	21,325	21,387	21,307
— Italy (Lit)	49 129	48 771	48 886	49 088	48 912
— Greece (Dr)	5 867,04	5 782,07	5 750,25	5 734,11	5 708,45
— Portugal (Esc)	8 384,19	8 342,24	8 354,44	8 368,97	8 348,10
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 848,58	4 818,83	4 827,34	4 838,96	4 823,89
— in another Member State (Pta)	4 901,89	4 873,60	4 882,89	4 895,27	4 880,49

(1) For seed harvested in Member States other than Spain and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0186140.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
DM	2,048860	2,046190	2,043440	2,041120	2,041120	—
Fl	2,309080	2,306230	2,303210	2,300380	2,300380	—
Bfrs/Lfrs	42,164700	42,138900	42,104000	42,073700	42,073700	—
FF	6,961510	6,958070	6,954570	6,951100	6,951100	—
Dkr	7,888090	7,884230	7,881570	7,880380	7,880380	—
£Irl	0,769718	0,768934	0,768446	0,768151	0,768151	—
£	0,704442	0,706162	0,707946	0,709482	0,709482	—
Lit	1 537,92	1 539,91	1 541,87	1 543,51	1 543,51	—
Dr	218,81200	221,81400	224,61800	227,13800	227,13800	—
Esc	181,02700	181,45900	182,04100	182,70200	182,70200	—
Pta	128,43100	128,77900	129,19100	129,56800	129,56800	—

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 December 1990

imposing a fine pursuant to Article 19 of Council Regulation (EEC) No 4056/86

(IV/32.450)

(Only the French text is authentic)

(91/55/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport⁽¹⁾, and in particular Articles 16 and 19 thereof,

Whereas :

I. THE FACTS

- (1) Secrétama is a company constituted under civil law in 1954 for the purpose of providing services in connection with the operation of agreements between shipping companies. The company, whose registered office is at 167 rue de Courcelles, Paris, France, was appointed to carry out various coordinating, executive and monitoring tasks within the framework of the Shipowners' Committees representing shipping companies operating between France and various African States.
- (2) By letters dated 3 and 22 July 1987, the Association of Danish Shipowners and the Danish Government respectively lodged complaints on the basis of Article 10 of Regulation (EEC) No 4056/86

against the practices carried out, notably in France, by the abovementioned Shipowners' Committees and Secrétama which were allegedly aimed at restricting or closing access to competition in the trade. By letters dated 15 June and 5 October 1988, the Commission sent Secrétama a request for information pursuant to Article 16 of Regulation (EEC) No 4056/86.

The Commission drew attention in both letters to the provisions of Article 19 of the Regulation concerning the supply of incorrect information in response to a request for information. Secrétama replied to the requests by letters dated 13 July and 7 November 1988.

- (3) By letter dated 22 December 1988, the Commission informed Secrétama in a statement of objections that some of the information contained in the letters referred to in paragraph 2 appeared to be incorrect and that it therefore reserved the right to impose a fine on the basis of Article 19 (1) (b) of Regulation (EEC) No 4056/86. By letter dated 6 February 1989 Secrétama submitted its comments on the statement of objections, and requested a hearing under Article 23 of Regulation (EEC) No 4056/86. This hearing took place on 20 June 1989. By letter of 28 February 1990, the Commission sent Secrétama new documents in support of its statement of objections asking for comments. By letter of 29 March 1990 Secrétama submitted its comments but did not, however, request a new hearing.

⁽¹⁾ OJ No L 378, 31. 12. 1986, p. 4.

(4) The information provided by Secrétama, which forms the subject of this Decision, is as follows :

- (i) pages 5 and 6 of its letter of 13 July 1988 : Secrétama first describes the cargo-sharing system operated by the Shipowners' Committees then, as part of a 'general reply' to the questionnaire sent by the Commission :

'This formula, to which the shipping lines as well as the shippers and forwarders are accustomed, naturally makes for flexible management compared with the unilateral systems applied in certain other trades and in most Euro-African relations. It also has certain other advantages, notably the fact that although it resembles the pooling distribution system, it does not have the latter's disadvantages (financial regulations, penalties, etc).'

- (ii) Page 8, in reply to the following question by the Commission :

'Is it possible for a company not benefiting from a loading authorization or a quota nevertheless to provide a liner transport service on the routes in question? If not, describe the nature of barriers to such an activity (laws or regulations in the States in question, inter-State agreements, or any other measure).'

Secrétama replied :

'It is possible for a company not benefiting from a loading authorization or without a freight tonnes quota to operate a transport service between the French and African ports concerned.

Any legal barriers which may exist are not in any way the result of practices of the Shipowners' Committees and naturally we are not for our part in a position to assess the application of such public policy measures.'

- (iii) On being presented by the Commission (as an Annex to the request for information dated 15 June 1988) with the text of a Senegalese inter-Ministerial Decree (text presented as a draft), Secrétama replied (page 10 of the letter dated 13 July) that :

'We had no knowledge until now of the official document of the Republic of Senegal of which you sent us two copies under reference number 32450-146 to 155, enclosure 3.'

Secrétama added, in reply to a question from the Commission concerning the content of the Decree :

'It was with surprise that we noted that reference was made on the one hand to a joint French-Senegalese Committee and on the other hand to our appointment as Secre-

tary for France to the Shipowners' Committee.'

II. LEGAL ASSESSMENT

- (5) requests for information which the Commission sent to Secrétama were essentially aimed at determining :

- (i) whether the Shipowners' Committees shared cargo on all the maritime routes in question and, if so, whether the cargo-sharing covered the entire trade ;
 (ii) how compliance with the quota by companies was enforced ;
 (iii) whether a system of penalties existed either for members of the Shipowners' Committees that exceeded their cargo quotas, or for companies which, whilst not being members of such Committees, nevertheless carried cargoes in competition with Committee members.

- (6) In its reply dated 13 July 1988, Secrétama confirmed that the Shipowners' Committees shared the cargoes exported from France to 11 West and Central African States ; it also indicated that it assisted the Committees in calculating the quotas (by drawing up statistics in particular) and, again on behalf of the Committees, monitored compliance with the quotas by certifying on the documents submitted to it by the different lines in the major French ports that the lines have complied with the decisions of the Committees.

- (7) On the other hand, Secrétama, in its letter of 13 July 1988, implicitly denied the existence of a system of penalties aimed at ensuring compliance with the rules of the Shipowners' Committees, doubted their existence, and then absolved the Committees, and hence Secrétama itself, of any responsibility for the application of such systems :

- (i) in describing the 'formula' by which the Shipowners' Committees operated (see point 4 (i)) Secrétama states that there is no accompanying penalties' system, and describes this as an 'advantage' of the formula. It is of course understandable that Secrétama should, by its very nature, concern itself first with the rules instituted by the Shipowners' Committees and not with the public policy measures adopted by the States part of whose foreign trade is covered by the activities of the Committees. However, by describing the absence of a penalties' system within the Committees as an advantage, Secrétama would like the Commission to conclude that the advantage is not offset by a system of penalties which, although outside the Committees, is nevertheless aimed at ensuring that their rules are complied with. If such were the case, the lack of a penalties' system within the Committees themselves would not under any circumstances constitute an advantage for a shipping line wishing to exceed its cargo quota or take on cargo without being subject to the discipline of the

Shipowners' Committees. To present the absence of a penalty system within the Shipowners' Committees as an advantage is tantamount to denying implicitly the existence of any penalty system ;

- (ii) questioned by the Commission on the existence of barriers (including laws and regulations) aimed at preventing a shipping company from operating outside the Shipowners Committees, Secrétama (see point 4 (ii)) doubted that such measures existed, referring to them as 'any barriers which may exist'.

Furthermore, in stating that it had no knowledge of any regulations applicable to the Franco-Senegalese trade (see point 4 (iii)), Secrétama could have led the Commission to question the existence of such regulations. The Commission had received only a preliminary draft version of the Decree from the complainants (without any date, reference or signature) and had forwarded it as such to Secrétama. Thus at this stage of the inquiry, the Commission was not in a position to determine whether the Decree had actually been adopted and was in force. In affirming that it had no knowledge of the document, Secrétama (whose functions include providing the secretariat for the France-Senegal Shipowners' Committee and could therefore be assumed to be better informed than the Commission of any public policy measures concerning that trade) could have led the Commission to conclude that the provisions contained in the Decree were not in fact in force. In view of the fact, however, that the Decree highlights the role played by the Shipowners' Committee (and Secrétama) in the operation of a cargo-sharing system which, according to the same document, is applicable to the entire trade and is accompanied by substantial penalties imposed on shipping lines, Secrétama was aware that it was of considerable interest to the Commission to know whether the provision were really in force ;

- (iii) lastly, Secrétama endeavoured to deny that the Shipowners' Committees had any responsibility for imposing penalties, maintaining that 'any legal barriers which may exist are not in any way the result of practices of the Shipowners' Committees' (see point 4 (ii)).

- (8) In replying to the requests for information from the Commission described above, Secrétama provided incorrect information liable to lead the Commission to draw incorrect conclusions about the facts forming the subject of the inquiry.

- (9) Most of the 11 African States whose trade with France is, as regards liner transport, covered by Shipowners' Committees, have rules which include a system of penalties applicable to vessels which in France load cargoes not controlled by Secrétama. In some of these States, Secrétama is mentioned by name as the body responsible for stamping the cargo manifests. This is the case in particular with the Senegalese rules referred to in the Commission letter dated 15 June 1988. In other cases, the regulations do not name the agent responsible for stamping the manifests, the appointment being left to the Shippers' Council or the national shipping company of the country in question. Nevertheless, in all the cases in question, as Secrétama itself confirmed, the actual allocation of cargo on the liner routes from France to the 11 African countries is carried out by the Shipowners' Committees and is monitored by Secrétama and therefore, the stamp, authorization or certificate (the lack of which leads to penalties, under the abovementioned rules) is indeed issued by Secrétama.

- (10) A number of the documents contained in the file (to which Secrétama had access) confirm that penalties were imposed for failure to comply with quotas. The relevant documents are the following :

- (i) a warning letter sent by the maritime administration of an African State to a 'contravening' company informing it that it could not take part in that State's trade with France until it had obtained the approval of the Service Committee (Shipowners' Committee) and that the provisions in force would be strictly applied to cargoes loaded without approval ;
- (ii) several documents of the National Shippers' Council of another African State imposing fines in respect of goods imported in breach of the rules on cargo-sharing, and exchanges of letters between that Council and the 'contrevening' companies. Some of the reports on the fines and the letters concern goods imported from France. As far as the Commission is aware, however (and Secrétama has not furnished any information to the contrary) the Shipowners' Committee is the only body competent to allocate cargoes exported from France to the African State in question. The Commission also notes that some of the fines were written on printed documents headed 'Freight loaded without the Secrétama stamp'. The sole fact that the authority which imposes penalties considered it necessary to have specially printed forms with such a heading would indicate that penalties are not so exceptional (even though in some cases it seems that the form was used incorrectly for 'infringements')

committed in European countries other than France, i.e. on trades not covered by the Shipowners' Committee). Furthermore, some of the fines were imposed for infringements going back to the end of 1985, i.e. shortly after the entry into force of the Decree adopted by the African State concerned at the beginning of November 1985. The Commission is unable to assess the number of fines imposed since then. Simply imposing such penalties for failure to comply with the cargo-sharing system imposed by the Shipowners' Committee and monitored by Secrétama is in any event probably sufficient to dissuade companies which might be tempted to operate outside the Committee's rules;

(iii) a telex sent on 21 November 1988 by the Shippers' Council of the African State referred to above in point (ii) to a European shipping line. The telex confirms the imposition of a fine for loading 'without the Secrétama stamp' in Marseilles, and specifies that 'prior to loading in a French port, the line must apply to the Secrétama representatives for a loading permit validated by the affixing of a stamp on the manifest'.

(11) Secrétama apparently operates solely on French territory; it is therefore not subject to the authority of a third country and hence not legally required to know its shipping rules.

(12) In practice, the fact remains that Secrétama was aware of the existence of those rules and also of their salient points (although this may vary from one African State to another), at least as regards the provisions applicable to the trade with France. This is clear from the following facts in particular:

(i) Secrétama provides the secretariat for the Shipowners' Committees whose sole purpose is to organize the trade between France and 11 West and Central African countries. It cannot be considered that, in such circumstances, Secrétama was not aware of the legal framework in which those trades operated. The possibility is even less likely in view of the fact that Secrétama not only provides the secretariat for the Shipowners' Committees or conference lines but also describes itself in one of its own brochures as a consultancy company in the maritime transport sector; it cannot therefore be unaware of the regulations in force, especially in the trades which it manages and monitors;

(ii) as already stated (see point 9), a number of the regulations adopted by African States refer explicitly to Secrétama as the body responsible

for running the cargo-sharing system operated by the Shipowners' Committees. The regulations provide for penalties in the event of goods being unloaded without the Secrétama approval stamp. It is inconceivable that such provisions, in all the cases under consideration, were adopted without Secrétama being informed, either before or even after their adoption;

(iii) this is particularly true as regards the Senegalese Decree referred to above which refers in several of its Articles to Secrétama yet of which Secrétama claims to have no knowledge. In practice:

(a) the document was specifically referred to at a meeting of the France-Senegal Shipowners' Committee on 11 December 1987 at which Secrétama was represented by the delegates; Secrétama also subsequently distributed the minutes to the member companies;

(b) the Decree in question whose last Article provides that it will 'be published wherever necessary', is contained in the *Official Journal of the Republic of Senegal* which is available, as the Commission has verified, to anyone upon request to the administrative archives of that country; Secrétama representatives visit Senegal at least once a year for a meeting of the Shipowners' Committee;

(c) the Decree goes back to 1981 and has been applicable to the Franco-Senegalese trade since then without ever having, to the knowledge of the Commission, been amended or repealed. Secrétama cannot claim that in seven years of operating on the trade in question it has remained unaware of the Decree;

(d) the Decree in question was adopted in July 1981; at the next Shipowners' Committee meeting held on 16 September (attended by Secrétama representatives), it was decided that Secrétama would disseminate the document to all the lines involved in the Franco-Senegalese trade. Secrétama did this by circular letter dated 17 September 1981;

(e) Secrétama received a copy of a telex dated 30 June 1981 from the French lines to the Compagnie Sénégalaise de Navigation Maritime in which the signatories refer to their 'pleasure in learning of the imminent signing of the Decree concerning the sanctions to be imposed on lines infringing the shipping rules adopted by the Shipowners' Committee';

- (f) Secrétama received a letter from a French shipping company dated 19 November 1981 stating that the company had requested 'the application of the penalties provided for in the Senegalese Decree' against a shipping line which had infringed the cargo-sharing rules ;
- (g) Secrétama received a copy of a letter dated 18 November 1986 in which Secrétasen (joint secretariat for Senegalese lines) reminded the director of the Senegal merchant navy that the 'Interministerial Decree No 6678 of 8 July 1981 organized the liner trade between France and Senegal on a mandatory basis' ;
- (h) Secrétama is in possession of the copy of a telex sent on 25 February 1984 by Usina, Dakar to various shipping lines to remind them of their obligations and the penalties resulting from the application of the 'Interministerial Decree of 8 July 1981 regulating the Franco-Senegal maritime trade'.
- (iv) Secrétama itself admitted at the hearing that, at the time of the setting-up of the France-Niger Shipowners' Committee, it had been aware of Niger provisions stipulating that the absence of a Secrétama stamp on manifests accompanying goods exported from France by sea would lead to the imposition of a fine ;
- (v) telexes sent by Secrétama to a member of the Shipowners' Committees which had exceeded its quota for cargo bound for three African States reveal that Secrétama had approached the authorities of the three countries to ask them to apply the rules governing such circumstances. In at least one of the three cases examined, its intervention resulted in a fine being imposed. Secrétama cannot in good faith claim that it called for the application of rules whose existence it has doubted.
- (13) Secrétama confirmed, in reply to the objections expressed by the Commission, that most of the shipowners' agreements provide that 'all cases of non-application of the practical trade organization arrangements would be notified to the parties concerned'. In the southbound trade, the interested parties (administrative authorities or Shippers' Councils) are, pursuant to local regulations, competent to impose fines. By informing these parties 'for any appropriate action' of the 'non-application' cases that have come to its attention (whether involving Committee members that have exceeded their quotas or non-members that have carried cargoes), Secrétama knows that it is exposing the infringing company to a possible fine, although it

may not be informed about the outcome of every case.

It should also be noted that in the case described under point 12 (v), Secrétama did not just inform the 'destination' authorities but 'requested' them to apply the measures appropriate to the circumstances.

Under such conditions, Secrétama cannot maintain the that 'any legal barriers which may exist are not in any way the result of practices of the Shipowners' Committees'.

- (14) By implicitly denying, then doubting the existence of a penalties' system of which it was aware, Secrétama deliberately supplied the Commission with incorrect information in reply to the questionnaire sent to it.

It acted in a similar fashion, and intentionally, by seeking to reject all responsibility on the part of the Shipowners' Committees for the application of such systems.

- (15) Article 16 (1) and (4) of Regulation (EEC) No 4056/86 provides that in carrying out the duties assigned to it by that Regulation, the Commission may obtain all necessary information from undertakings and that to that end the owners of the undertakings or their representatives are bound to supply the information requested.

Article 19 (1) (b) of Regulation (EEC) No 4056/86 provides that the Commission may by decision impose on undertakings or associations of undertakings fines of from ECU 100 to ECU 5 000 where, intentionally or negligently they supply incorrect information in response to a request made pursuant to Article 16 (3).

As the preceding paragraphs make clear, Secrétama intentionally and repeatedly supplied incorrect information liable to lead the Commission to draw incorrect conclusions on the case in question.

The Commission considers that the infringement is particularly serious; the fact that it was repeated rules out the possibility of negligence. Lastly, Secrétama could not have been unaware that in acting as it did it was infringing the competition rules since the Commission made sure that the relevant provisions of Article 19 of Regulation (EEC) No 4056/86 were contained in its request for information.

Under the circumstances, it is justified to impose a heavy fine on Secrétama within the limit set by Article 19 of Regulation (EEC) No 4056/86,

HAS ADOPTED THIS DECISION :

Article 1

Secrétama has infringed Article 16 (4) of Regulation (EEC) No 4056/86 by supplying incorrect information in response to a request made pursuant to Article 16 (3) of that Regulation.

Article 2

A fine of ECU 5 000 is hereby imposed on Secrétama. The fine shall be paid, in ecus, within three months of the date of notification of this Decision to the account of the Commission of the European Communities, No 310-0933000-43, Banque Bruxelles-Lambert, Agence Européenne, 5 Rond-Point Robert Schuman, B-1040 Brussels.

On expiry of that period interest shall automatically be payable at the rate charged by the European Monetary Cooperation Fund on its ecu operations on the first

working day of the month in which this Decision was adopted, plus 3,5 percentage points, i.e. 14 %.

Article 3

This Decision is addressed to Secrétama, 167 rue de Courcelles, F-75017 Paris.

This Decision shall be enforceable pursuant to Article 192 of the EEC Treaty.

Done at Brussels, 19 December 1990.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 21 January 1991

concerning certain protection measures relating to contagious bovine pleuropneumonia in Italy

(91/56/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, and in particular Article 10 thereof,

1. Italy shall not send to other Member States live cattle from the geographical area mentioned in the Annex until such time as all of the bovine animals over 12 months of age within that area have passed three clear tests for contagious bovine pleuropneumonia carried out at intervals of not less than three weeks.

Whereas an outbreak of contagious bovine pleuropneumonia has occurred in October 1990 in the territory of Italy, and additionally the exact distribution of the disease has not been clearly established;

2. Once the testing requirements referred to in paragraph 1 have been satisfied, live cattle sent from this area to other Member States must comply with the conditions laid down in Articles 2 and 3.

Whereas the appearance of this epizootic disease may constitute a danger to cattle in other Member States;

Article 2

Whereas a significant risk may be considered to exist in respect of certain categories of live cattle;

Italy shall not send to other Member States live cattle for breeding and production coming from those parts of its territory outside those listed in the Annex unless:

Whereas a Community mission has recently visited Italy to examine and report on the situation;

1. the animals come from a herd all of whose animals over 12 months of age have been the subject of a serological test for contagious bovine pleuropneumonia during the previous 12 months and have given no reactions;

Whereas the Italian authorities have undertaken to implement national measures that are necessary to guarantee the efficient implementation of this Decision;

and

2. the animals themselves have been subjected to a serological test for contagious bovine pleuropneumonia and have not given any reactions within 30 days prior to the date of loading.

Whereas it is necessary to amend the health certificate for trade between Member States of the EEC in relation to bovine animals for breeding or production;

Article 3

Whereas the conditions under which intra-Community trade in bovines intended for breeding and production may be carried out are laid down in this Decision;

The health certificate provided for in Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽²⁾, accompanying cattle intended for breeding or production and sent from Italy, must include the following statement:

Whereas the Commission will follow developments in the situation; whereas this Decision may be amended in the light of such developments;

'Live cattle in accordance with Commission Decision 91/56/EEC on contagious bovine pleuropneumonia.'

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

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

Article 4

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision three days after its notification. They shall immediately inform the Commission thereof.

Article 5

The Commission will follow developments in the situation and may amend this Decision in the light of such developments.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 21 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

The territory within a radius of three kilometres of a holding where a case of contagious bovine pleuropneumonia has been diagnosed.

COMMISSION DECISION

of 24 January 1991

concerning the extension of the financial contribution by the Community for continuation of eradication of contagious bovine pleuropneumonia in Italy

(Only the Italian text is authentic)

(91/57/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Articles 3 (4) and 4 thereof,

Whereas outbreaks of contagious bovine pleuropneumonia (CBPP) have occurred in Italy in October 1990; whereas following this situation, the Commission has already adopted Decision 91/46/EEC⁽²⁾;

Whereas new outbreaks of contagious bovine pleuropneumonia have occurred in Italy; whereas the appearance of this disease is a serious danger to the Community's cattle; whereas it is appropriate to continue the action of eradication of this disease in Italy;

Whereas it proves necessary, in order to ensure the success of the action, to adopt the appropriate rules; whereas the Italian authorities have undertaken to respect those rules;

Whereas scientific studies have been undertaken at Community level in order to harmonize the rules for diagnosis of contagious bovine pleuropneumonia; whereas this Decision may be reviewed in order to bring it in line with improvement of scientific knowledge;

Whereas, in accordance with Decision 90/424/EEC, the conditions for Community financial assistance have been met;

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

HAS ADOPTED THIS DECISION:

Article 1

For outbreaks of contagious bovine pleuropneumonia from 1 November 1990 to 31 March 1991, Italy may obtain Community financial assistance.

⁽¹⁾ OJ No L 224, 18. 9. 1990, p. 19.

⁽²⁾ OJ No L 23, 29. 1. 1991, p. 34.

The financial contribution by the Community, as defined in Article 4, will be granted on condition that Italy observes the rules laid down in this Decision.

Article 2

For the purposes of this Decision:

1. *holding*

means an agricultural establishment or officially-supervised dealers' premises, situated in the territory of Italy, in which bovine animals for breeding, sale or slaughter are regularly kept or bred;

2. *infected area*

means an area of at least three kilometres in diameter around a holding in which, according to official findings, an outbreak of contagious bovine pleuropneumonia has been diagnosed or a holding epidemiologically linked to an outbreak;

3. *serological test*

means the complement fixation test (Campbell and Turner's modified method);

4. *case*

means an animal, reacting to a serological test confirmed as positive by the reference laboratory and/or showing at *post mortem* inspection, the pathological lesions of contagious bovine pleuropneumonia, and/or from which *Mycoplasma mycoides* subspecies *mycoides* (small colonies biotype) has been isolated;

5. *reactors*

means animals reacting to a serological test;

Article 3

The Italian central authorities shall adopt:

1. measures to identify outbreaks of contagious bovine pleuropneumonia intended more particularly:

(a) to oblige notification of all suspected and confirmed outbreaks of contagious bovine pleuropneumonia;

(b) to organize special epizootiological investigations to identify infected holdings and in particular to perform a complete serological survey;

(c) to declare infected areas;

2. measures to eliminate outbreaks of contagious bovine pleuropneumonia intended more particularly :

(a) — to forbid movement of all the bovines present in holdings in which reactors are found, except under official supervision for immediate slaughtering, until such time as all bovines over 12 months of age within such zone have reacted negatively to three tests carried out at intervals of not less than three weeks,
— if there is a small number of low positive reactions, it may be decided to sacrifice one or more reactors. A final diagnosis may be made by means of *post-mortem* examination and/or laboratory investigation ;

(b) to forbid movement of all the bovines present in infected zones, except under official supervision for immediate slaughtering, until such time as all bovines over 12 months of age within such zone have reacted negatively to three tests carried out at interval of not less than three weeks ;

(c) to slaughter all the bovines present in a holding in which a large number of cases have occurred ;

(d) to test all the bovines present in the infected zone ;

(e) to allow slaughter of bovines according to the second indent of point (a) and point (c) under official supervision in slaughterhouses designated for this purpose by the Italian central authorities, immediately after the owner or the person in charge has been officially notified of the results of tests or investigations.

Without prejudice to Council Directive 64/423/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat⁽¹⁾ the meat of those animals can be placed on the market provided that during *ante mortem* and *post mortem* health inspections they have not shown any alteration that could render the carcasses or offal unfit for human consumption ;

(f) to pay immediate and adequate compensation to the owners of bovines which have been slaughtered in accordance with the second indent of point (a) and point (c) ;

(g) to order cleaning and disinfection of holdings after the bovines have been slaughtered ;

3. common measures as follows :

(a) the therapeutic treatment or the use of vaccine against contagious bovine pleuropneumonia must be forbidden ;

(b) the establishment of a system identifying all bovines on the national territory so that the region and the holding of origin can be traced at any time ;

(c) the registration of holdings engaged in bovine farming ;

(d) the control of movement of bovines ;

(e) an action to inform veterinarians in order to call their attention to the implementation of the measures. In particular, tissue with suspect lesions must be sent to a reference laboratory ;

(f) notification to the Commission and Member States the number of reactors, of cases, of outbreaks and holdings in which reactors are found.

Article 4

The financial contribution by the Community shall be :

— 50 % of the costs incurred by Italy in compensating owners for the slaughter and for destruction, as appropriate, of bovines and bovine products,

— 50 % of the costs incurred by Italy for the cleaning, disinfection and disinsectization of holdings and equipment,

— 50 % of the costs incurred by Italy in compensating owners for the destruction of contaminated feeding-stuffs and contaminated equipment.

Article 5

The Community financial contribution shall be granted after supporting documents have been submitted.

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 24 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1454/90 of 28 May 1990 relating to the conclusion of the Protocol establishing, for the period 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

(Official Journal of the European Communities No L 140 of 1 June 1990)

Page 2, Protocol, Article 4, second line:

for: 'ECU 1 950 000',

read: 'ECU 950 000'.

Council Regulation (EEC) No 3925/90 of 21 December 1990 totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1991)

(Official Journal of the European Communities No L 376 of 31 December 1990)

On page 17 in the Annex, Order No 16.2750, column (4):

for: '15 %',

read: '12 %'.
