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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 594/91
of 4 March 1991
on substances that deplete the ozone layer

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas it is established that continued emissions of ozone depleting substances at current levels cause significant damage to the ozone layer; whereas there is an international consensus that significant reductions in both production and consumption of such substances are necessary; whereas Decisions 80/372/EEC ⁽⁴⁾ and 82/795/EEC ⁽⁵⁾ provide controls which are of limited effect and which cover only two such substances (CFC 11 and CFC 12);

Whereas in view of the responsibilities of the Community for the environment and trade, all Member States and the Community have become Parties to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;

Whereas Regulation (EEC) No 3322/88 ⁽⁶⁾ provides for controls on certain chlorofluorocarbons and halons which deplete the ozone layer;

Whereas, in the light of more recent scientific evidence, the Parties to the Montreal Protocol have adopted at their second meeting, at which the Community and the

Member States played a leading role, additional measures for the protection of the ozone layer;

Whereas, in the light of more recent scientific evidence, the Parties to the Montreal Protocol have adopted at their second meeting, at which the Community and the Member States played a leading role, additional measures for the protection of the ozone layer;

Whereas it is necessary for action to be taken at Community level to carry out the Community's obligation under the Convention and the amended Protocol, in particular further to control production and consumption within the Community of certain chlorofluorocarbons and halons and other ozone-depleting substances;

Whereas, in the light notably of scientific evidence, it is appropriate in certain cases to introduce control measures which are more severe than those of the amended Protocol;

Whereas, bearing in mind the market structure for chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane, it is appropriate — to ensure fulfilment of the Community's obligation under the amended Protocol — to control consumption of these substances by controlling supply rather than demand; whereas supply can be controlled by limiting sales and use by producers in the Community, and by limiting the release into free circulation of imports;

Whereas it is necessary to keep under review the evolution of the market for the above substances, particularly with regard to sufficient supply for essential uses, and the state of development of appropriate substitutes;

Whereas additional Community measures may be needed to carry out the Community's obligations under the Protocol in respect of research and development, and technical assistance;

Whereas Regulation (EEC) No 3322/88 has become superfluous and should therefore be repealed,

⁽¹⁾ OJ No C 86, 4. 4. 1990, p. 4.

⁽²⁾ OJ No C 19, 28. 1. 1991.

⁽³⁾ OJ No C 332, 31. 12. 1990, p. 14.

⁽⁴⁾ OJ No L 90, 3. 4. 1980, p. 45.

⁽⁵⁾ OJ No L 329, 25. 11. 1982, p. 29.

⁽⁶⁾ OJ No L 297, 31. 10. 1988, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to the importation, exportation, production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane. It shall also apply to the reporting of data on these substances and on transitional substances.

Article 2

Definitions

In this Regulation:

- 'the Protocol' means the Montreal Protocol on Substances that Deplete the Ozone Layer, whether in its adjusted or adjusted and amended version,
- 'Party' means any Party to the Protocol. However, as to the rights and obligations resulting from the amendments to the Protocol, States which have not approved those amendments or measures for their implementation are not considered as 'Parties',
- 'controlled substances' means chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane, whether existing alone or in a mixture. This definition shall not cover any controlled substance which is in a manufactured product other than a container used for the transportation or storage of that substance,
- 'chlorofluorocarbons' means the substances listed in Group I of Annex I, including their isomers,
- 'other fully halogenated chlorofluorocarbons' means the substances listed in Group II of Annex I, including their isomers,
- 'halons' means the substances listed in Group III of Annex I, including their isomers,
- 'carbon tetrachloride' means the substance listed in Group IV of Annex I,
- '1,1,1-trichloroethane' means the substance listed in Group V of Annex I,
- 'transitional substances' means the partially halogenated chlorofluorocarbons, including their isomers listed in Group VI of Annex I whether existing alone or in a mixture. However, it does not cover any transitional substance, mixture or isomer which is in a manufactured product other than a container used for the transportation or storage of that substance,

- 'producer' means any natural or legal person manufacturing controlled or transitional substances within the Community,
- 'production' means the amount of substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount produced for the use as feedstock in the manufacture of other chemicals. Any amount recycled and re-used is not to be considered as 'production',
- 'undertaking' means any natural or legal person which produces, recycles for placing on the market or uses in the Community controlled or transitional substances for industrial or commercial purposes or which releases into free circulation in the Community such imported substances, or exports such substances from the Community for industrial or commercial purposes,
- 'ozone-depleting potential' means the figure specified in the final column of Annex I representing the potential effect of each substance on the ozone layer,
- 'calculated level' means a quantity determined by multiplying the quantity of each substance by the ozone-depleting potential of that substance specified in Annex I and by adding together, for each group of substances in Annex I separately, the resulting figures,
- 'industrial rationalization' means the transfer either between Parties or within a Member State of all or a portion of the calculated level of production of one producer to another, for the purpose of achieving economic efficiency of responding to anticipated shortfalls in supply as a result of plant closures.

PART I

TRADE REGIME

Article 3

Importation of substances from third countries

1. The release into free circulation in the Community of controlled substances, be they virgin, recycled or used, imported from third countries, shall be subject to quantitative limits.
2. For this purpose the Community shall open the quotas set out in Annex II which shall be applicable during the period laid down in that Annex, and allocate them to undertakings in accordance with the procedure set out in Article 12.
3. The Commission, in accordance with the procedure set out in Article 12, may modify the quotas set out in Annex II.

*Article 4***Import licence**

1. The release into free circulation in the Community of controlled substances which are subject to the quotas referred to in Article 3 shall be subject to presentation of an import licence. This licence shall be issued by the Commission. The Commission shall forward a copy of this licence to the competent authority of the Member State into which the importation is expected to take place. To this end, each Member State shall determine its competent authority.
2. A request for a licence shall contain :
 - (a) the name and the address of the importer ;
 - (b) the description of each substance stating :
 - the commercial description,
 - the heading in the combined nomenclature,
 - the country from which the substance is imported ;
 - (c) statement of the quantity of each substance to be imported in tonnes ; and
 - (d) the place and date of proposed importation, if known.

*Article 5***Importation of controlled substances from non-parties**

1. The release into free circulation in the Community of chlorofluorocarbons or halons imported from non-Parties shall be prohibited.
2. With effect from 1 January 1993, the release into free circulation in the Community of other fully halogenated chlorofluorocarbons, carbon tetrachloride or 1,1,1-trichloroethane imported from non-Parties shall be prohibited

*Article 6***Importation from non-parties of products containing controlled substances**

1. Subject to the decision referred to in paragraph 3, the release into free circulation in the Community of products imported from non-Parties containing chlorofluorocarbons or halons shall be prohibited with effect from 1 January 1993.
2. Subject to the decision referred to in paragraph 3, the release into free circulation in the Community of products imported from non-Parties containing other fully halogenated chlorofluorocarbons, carbon tetrachloride or 1,1,1-trichloroethane shall be prohibited with effect from 1 January 1996.
3. The Council, on a proposal from the Commission, shall adopt before these dates the list of these products in the light of the list established by the Parties.

The Council shall act by a qualified majority.

*Article 7***Importation from non-parties of products produced with controlled substances**

In the light of the decision of the Parties, the Council, on a proposal from the Commission, shall adopt rules applicable to the release into free circulation in the Community of products imported from non-Parties, which are produced with controlled substances but which do not contain these substances. The Council shall act by a qualified majority.

*Article 8***Exportation of controlled substances to non-parties**

With effect from 1 January 1993, the exportation from the Community of virgin, recycled or used controlled substances to any non-Party shall be prohibited.

*Article 9***Exceptional authorization to trade with non-parties**

By derogation from Articles 5, 6 (1) and (2), 7 and 8, the trade of controlled substances as well as products which contain and/or are produced with one or several of these substances with any non-Party may be permitted by the Commission, to the extent that the non-Party is determined by a meeting of the Parties to be in full compliance with Articles 2, 2a to 2e and 4 of the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol. The Commission shall act in accordance with the procedure set out in Article 12.

PART II

PHASE-OUT SCHEDULE

*Article 10***Control of production**

1. Subject to the provisions of paragraphs 6 to 9, each producer shall ensure that :
 - the calculated level of its production of chlorofluorocarbons in the period 1 July 1991 to 31 December 1992 does not exceed the calculated level of its production in 1986. However, for those Member States whose calculated level of production of chlorofluorocarbons was less than 15 000 tonnes in 1986, the calculated level of their production of chlorofluorocarbons in the period 1 July 1991 to 31 December 1992 shall not exceed 150 % of the calculated level of their production in 1986,

- the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1993, and in the following 12-month period, does not exceed 50 % of the calculated level of its production in 1986,
- the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1995 does not exceed 32,5 % of the calculated level of its production in 1986,
- the calculated level of its production of chlorofluorocarbons in the period 1 January to 31 December 1996, does not exceed 15 % of the calculated level of its production in 1986,
- the calculated level of its production of chlorofluorocarbons in the period 1 January to 30 June 1997 does not exceed 7,5 % of the calculated level of its production in 1986,
- there is no production of chlorofluorocarbons after 30 June 1997.

The Commission, in accordance with the procedure set out in Article 12, shall determine any essential uses of chlorofluorocarbons which may be permitted in the Community after 30 June 1997 and until 31 December 1999 at the latest and any quantities of chlorofluorocarbons which may be produced by each producer for this purpose. Such production shall only be allowed, if adequate alternatives or recycled chlorofluorocarbons are not available.

2. Subject to the provisions of paragraphs 6 to 9, each producer shall ensure that:

- the calculated level of its production of other fully halogenated chlorofluorocarbons in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed 50 % of the calculated level of its production in 1989,
- the calculated level of its production of other fully halogenated chlorofluorocarbons in the period 1 January to 31 December 1995 does not exceed 32,5 % of the calculated level of its production in 1989,
- the calculated level of its production of other fully halogenated chlorofluorocarbons in the period 1 January to 31 December 1996, does not exceed 15 % of the calculated level of its production in 1989,
- the calculated level of its production of other fully halogenated chlorofluorocarbons in the period 1 January to 30 June 1997 does not exceed 7,5 % of the calculated level of its production in 1989,
- there is no production of other fully halogenated chlorofluorocarbons after 30 June 1997.

The Commission, in accordance with the procedure set out in Article 12, shall determine any essential uses of other fully halogenated chlorofluorocarbons which may be permitted in the Community after 30 June 1997 and until 31 December 1999 at the latest and any quantities of other fully halogenated chlorofluorocarbons which may be produced by each producer for this purpose. Such production shall only be allowed, if adequate alternatives or recycled other fully halogenated chlorofluorocarbons are not available.

3. Subject to the provisions of paragraphs 6 to 9, each producer shall ensure that:

- the calculated level of its production of halons in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed the calculated level of its production of halons in 1986,
- the calculated level of its production of halons in the period 1 January to 31 December 1995, and in each 12-month period thereafter, does not exceed 50 % of the calculated level of its production of halons in 1986,
- there is no production of halons after 31 December 1999.

In the light of the decision of the Parties, the Commission, in accordance with the procedure set out in Article 12, shall determine any essential uses of halons which may be permitted in the Community from 1 January 2000 and any quantities of halons which may be produced by each producer for this purpose. Such production shall only be allowed, if adequate alternatives or recycled halons are not available.

4. Subject to the provisions of paragraphs 6 to 9, each producer shall ensure that:

- the level of its production of carbon tetrachloride in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed 50 % of the level of its production in 1989,
- the level of its production of carbon tetrachloride in the period 1 January to 31 December 1995, and in each 12-month period thereafter, does not exceed 15 % of the level of its production in 1989;
- there is no production of carbon tetrachloride after 31 December 1997.

The Commission, in accordance with the procedure set out in Article 12, shall determine any essential uses of carbon tetrachloride which may be permitted in the Community from 1 January 1998 and until 31 December 1999 at the latest and any quantities of carbon tetrachloride which may be produced by each producer for this purpose. Such production shall only be allowed, if adequate alternatives or recycled carbon tetrachloride are not available.

5. Subject to the provisions of paragraphs 6 to 9, each producer shall ensure that :

- the level of its production of 1,1,1-trichloroethane in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed the level of its production in 1989,
- the level of its production of 1,1,1-trichloroethane in the period 1 January to 31 December 1995, and in each 12-month period thereafter, does not exceed 70 % of the level of its production in 1989,
- the level of its production of 1,1,1-trichloroethane in the period 1 January to 31 December 2000, and in each 12-month period thereafter, does not exceed 30 % of its level of production in 1989,
- there is no production of 1,1,1-trichloroethane after 31 December 2004.

6. To the extent permitted by the Protocol, a producer may be authorized by the competent authority of the Member State in which its relevant production is situated, to exceed the calculated levels of production set out in paragraphs 1 to 5 so as to satisfy the basic domestic needs of Parties operating under Article 5 of the Protocol, provided that the additional calculated levels of production of the Member State concerned do not exceed those permitted for this purpose by Article 2a to 2e of the Protocol for the periods in question.

The competent authority of the Member State concerned shall notify the Commission in advance of any such authorization.

7. To the extent permitted by the Protocol, a producer may be authorized by the competent authority of the Member State in which its relevant production is situated, to exceed the calculated levels of its production set out in paragraphs 1 to 6 for the purpose of industrial rationalization within the Member State concerned, provided that the calculated levels of production of that Member State do not exceed the sum of the calculated levels of production of its domestic producers set out in paragraphs 1 to 6 for the periods in question. The competent authority of the Member State concerned shall notify the Commission in advance of any such authorization.

8. To the extent permitted by the Protocol, a producer may be authorized by the Commission, in agreement with the competent authority of the Member State in which its relevant production is situated, to exceed the calculated levels of its production allowed under paragraphs 1 to 7 for the purpose of industrial rationalization between Member States, provided that the combined calculated levels of production of the Member States concerned do

not exceed the sum of the calculated levels of production of their domestic producers set out in paragraphs 1 to 7 for the periods in question. The agreement of the competent authority of the Member States in which it is intended to reduce production shall also be required.

9. To the extent permitted by the Protocol, a producer may be authorized by the Commission, in agreement both with the competent authority of the Member State in which its relevant production is situated, and the government of the third Party concerned, to combine the calculated levels of its production allowed under paragraphs 1 to 8 with the calculated levels of production allowed to a producer in a third Party under the Protocol and its domestic legislation, provided that the combined calculated levels of production by the two producers do not exceed the sum of the calculated levels of production allowed under paragraphs 1 to 8 to the Community producer and the calculated levels of production allowed to the third Party producer under the Protocol and its domestic legislation.

Article 11

Control of consumption through control of supply in the Community

1. Subject to the provisions of paragraph 6, each producer shall ensure that :

- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 July 1991 to 31 December 1992 does not exceed the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986,
- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1993, and in the following 12-month period, does not exceed 50 % of the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986,
- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1995 does not exceed 32,5 % of the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986,
- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1996 does not exceed 15 % of the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986,

- the calculated level of chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 30 June 1997 does not exceed 7,5 % of the calculated level of chlorofluorocarbons which it placed on the market or used for its own account in 1986,
- it does not place on the market or use for its own account chlorofluorocarbons after 30 June 1997.

The Commission, in accordance with the procedure set out in Article 12, shall determine any quantities of chlorofluorocarbons that could be placed on the market or used for its own account by each producer after 30 June 1997 and until 31 December 1999 at the latest for the purpose of essential uses.

2. Subject to the provisions of paragraph 6, each producer shall ensure that:

- the calculated level of other fully halogenated chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed 50 % of the calculated level of other fully halogenated chlorofluorocarbons which it placed on the market or used for its own account in 1989,
- the calculated level of other fully halogenated chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1995 does not exceed 32,5 % of the calculated level of other fully halogenated chlorofluorocarbons which it placed on the market or used for its own account in 1989,
- the calculated level of other fully halogenated chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 31 December 1996 does not exceed 15 % of the calculated level of other fully halogenated chlorofluorocarbons which it placed on the market or used for its own account in 1989,
- the calculated level of other fully halogenated chlorofluorocarbons which it places on the market or uses for its own account in the period 1 January to 30 June 1997 does not exceed 7,5 % of the calculated level of other fully halogenated chlorofluorocarbons which it placed on the market or used for its own account in 1989,
- it does not place on the market or use for its own account other fully halogenated chlorofluorocarbons after 30 June 1997.

The Commission, in accordance with the procedure set out in Article 12, shall determine any quantities of other

fully halogenated chlorofluorocarbons that could be placed on the market or used for its own account by each producer after 30 June 1997 and until 31 December 1999 at the latest for the purposes of essential uses.

3. Subject to the provisions of paragraph 6, each producer shall ensure that:

- the calculated level of halons which it places on the market or uses for its own account in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed the calculated level of halons which it placed on the market or used for its own account in 1986,
- the calculated level of halons which it places on the market or uses for its own account in the period 1 January to 31 December 1995, and in each 12-month period thereafter, does not exceed 50 % of the calculated level of halons which it placed on the market or used for its own account in 1986,
- it does not place on the market or use for its own account halons after 31 December 1999.

In the light of the decision of the Parties, the Commission, in accordance with the procedure set out in Article 12, shall determine any quantities of halons that could be placed on the market or used by each producer for his own account from 1 January 2000 for the purposes of essential uses.

4. Subject to the provisions of paragraph 6, each producer shall ensure that:

- the calculated level of carbon tetrachloride which it places on the market or uses for its own account in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed 50 % of the calculated level of carbon tetrachloride which it placed on the market or used for its own account in 1989,
- the calculated level of carbon tetrachloride which it places on the market or uses for its own account in the period 1 January to 31 December 1995, and in each 12-month period thereafter, does not exceed 15 % of the calculated level of carbon tetrachloride which it placed on the market or used for its own account in 1989,
- it does not place on the market or use for its own account carbon tetrachloride after 31 December 1997.

The Commission, in accordance with the procedure set out in Article 12, shall determine any quantities of carbon tetrachloride that could be placed on the market or used by each producer for his own account from 1 January 1998 and until 31 December 1999 at the latest for the purposes of essential uses.

5. Subject to the provisions of paragraph 6, each producer shall ensure that:

- the calculated level of 1,1,1-trichloroethane which it places on the market or uses for its own account in the period 1 January to 31 December 1992, and in each 12-month period thereafter, does not exceed the calculated level of 1,1,1-trichloroethane which it placed on the market or used for its own account in 1989;
- the calculated level of 1,1,1-trichloroethane which it places on the market or uses for its own account in the period 1 January to 31 December 1995, and in each 12-month period thereafter, does not exceed 70 % of the level of 1,1,1-trichloroethane which it placed on the market or used for its own account in 1989,
- the calculated level of 1,1,1-trichloroethane which it places on the market or uses for its own account in the period 1 January to 31 December 2000, and in each 12-month period thereafter, does not exceed 30 % of the calculated level of 1,1,1-trichloroethane which it placed on the market or used for its own account in 1989,
- it does not place on the market or use for its own account 1,1,1-trichloroethane after 31 December 2004.

6. The quantities referred to in paragraphs 1 to 5 apply to the amounts which the producer places on the market or uses for its own account within the Community from its own production.

7. The quantities resulting from the application of paragraphs 1 to 5 may be increased by the Commission, if the release into free circulation in the Community of imported substances in any 12-month period to which paragraphs 1 to 5 apply shall be less than the respective quantitative limits fixed in Annex II.

The Commission shall act in accordance with the procedure set out in Article 12.

8. Any producer having the right to place on the market or use for its own account the substances referred to in this Article may transfer its right in respect of all or any quantities fixed in accordance with this Article to any other producer within the Community. The producer acquiring the right shall immediately notify the Commis-

sion. A transfer of the right to place on the market or use does not imply an additional right to produce.

PART III

MANAGEMENT, DATA REPORTING AND FINAL PROVISIONS

Article 12

Management

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

4. The Council, acting by a qualified majority, may take a different decision within the limit referred to in the third paragraph.

Article 13

Data reporting

1. Each producer, importer and/or exporter of controlled or transitional substances shall communicate to the Commission, with a copy to the competent authority of the Member State concerned, not later than 31 March of any year, beginning in 1992, its:

- production,
- quantities recycled,
- quantities destroyed, in accordance with technologies approved by the Parties to the Protocol,
- stocks,

- release into free circulation in the Community of imported substances, separately from Parties and non-Parties,
- exports of produced quantities from the Community, separately to Parties and non-Parties,
- exports of recycled quantities from the Community, separately to Parties and non-Parties,
- produced quantities placed on the market or used for the producer's own account inside the Community,
- recycled quantities placed on the market or used for the undertaking's own account inside the Community,
- amounts produced for use as raw materials

of each of the controlled and transitional substances in respect of the previous period 1 January to 31 December, except for chlorofluorocarbons for which the first data reporting shall cover the period 1 July to 31 December 1991 to be followed by regular annual reporting periods starting on 1 January 1992.

Notwithstanding this obligation, the communication referred to in this paragraph for chlorofluorocarbons and other fully halogenated chlorofluorocarbons for the period 1 January to 30 June 1997 shall be done not later than 30 September 1997.

2. Each producer, importer and/or exporter of other fully halogenated chlorofluorocarbons, carbon tetrachloride, 1,1,1-trichloroethane and/or transitional substances in 1989 shall communicate to the Commission with a copy to the competent authority of the Member State concerned, the data referred to in paragraph 1 in respect of that year not later than 30 June 1991.

3. The Commission shall take the appropriate measures to protect the confidentiality of the data submitted.

Article 14

Inspection

1. In carrying out the tasks assigned to it by this Regulation, the Commission may obtain all necessary information from the governments and competent authorities of the Member States and from undertakings.

2. When sending a request for information to an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State in whose territory the seat of the undertaking is situated, together with a statement of why this information is required.

3. the competent authorities of the Member States shall undertake the investigations which the Commission considers to be necessary under this Regulation.

4. If agreed by the Commission and the competent authority of the Member State in whose territory the investigation is to be made, the officials of the Commission shall assist the officials of such authority in carrying out their duties.

5. The Commission shall take the appropriate measures to protect the confidentiality of information obtained pursuant to this Article.

Article 15

Infringements

Member States shall take appropriate legal or administrative action in case of infringement of the provisions of this Regulation.

Article 16

Entry into force and transitional provisions

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*. On 1 July 1991 Regulation (EEC) No 3322/88 shall be repealed. However, the data reporting referred to in Article 11 of Regulation (EEC) No 3322/88 for the period 1 January to 30 June 1991 has to be done not later than 31 August 1991 for chlorofluorocarbons only.

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

Done at Brussels, 4 March 1991.

For the Council

The President

J. F. POOS

ANNEX I

Substances covered by the Regulation

Group	Substance	Ozone-depleting potential (%)
Group I	CFCl ₃ (CFC-11)	1,0
	CF ₂ Cl ₂ (CFC-12)	1,0
	C ₂ F ₃ Cl ₃ (CFC-113)	0,8
	C ₂ F ₄ Cl ₂ (CFC-114)	1,0
	C ₂ F ₅ Cl (CFC-115)	0,6
Group II	CF ₃ Cl (CFC-13)	1,0
	C ₂ FCl ₅ (CFC-111)	1,0
	C ₂ F ₂ Cl ₄ (CFC-112)	1,0
	C ₃ FCl ₇ (CFC-211)	1,0
	C ₃ F ₂ Cl ₆ (CFC-212)	1,0
	C ₃ F ₃ Cl ₅ (CFC-213)	1,0
	C ₃ F ₄ Cl ₄ (CFC-214)	1,0
	C ₃ F ₅ Cl ₃ (CFC-215)	1,0
	C ₃ F ₆ Cl ₂ (CFC-216)	1,0
C ₃ F ₇ Cl (CFC-217)	1,0	
Group III	CF ₂ BrCl (halon-1211)	3,0
	CF ₃ Br (halon-1301)	10,0
	C ₂ F ₄ Br ₂ (halon-2402)	6,0
Group IV	CCl ₄ (carbon tetrachloride)	1,1
Group V	C ₂ H ₃ Cl ₃ (?) (1,1,1-trichloroethane)	0,1
Group VI	CHFCl ₂ (HCFC-21)	
	CHF ₂ Cl (HCFC-22)	
	CH ₂ FCl (HCFC-31)	
	C ₂ HFCl ₄ (HCFC-121)	
	C ₂ HF ₂ Cl ₃ (HCFC-122)	
	C ₂ HF ₃ Cl ₂ (HCFC-123)	
	C ₂ HF ₄ Cl (HCFC-124)	
	C ₂ H ₂ FCl ₃ (HCFC-131)	
	C ₂ H ₂ F ₂ Cl ₂ (HCFC-132)	
	C ₂ H ₂ F ₃ Cl (HCFC-133)	
	C ₂ H ₂ F ₄ Cl (HCFC-141)	
	C ₂ H ₃ F ₂ Cl (HCFC-142)	
	C ₂ H ₄ FCl (HCFC-151)	
	C ₃ HFCl ₆ (HCFC-221)	
	C ₃ HF ₂ Cl ₅ (HCFC-222)	
	C ₃ HF ₃ Cl ₄ (HCFC-223)	
	C ₃ HF ₄ Cl ₃ (HCFC-224)	
	C ₃ HF ₅ Cl ₂ (HCFC-225)	
	C ₃ HF ₆ Cl (HCFC-226)	
	C ₃ H ₂ FCl ₅ (HCFC-231)	
	C ₃ H ₂ F ₂ Cl ₄ (HCFC-232)	
	C ₃ H ₂ F ₃ Cl ₃ (HCFC-233)	
	C ₃ H ₂ F ₄ Cl ₂ (HCFC-234)	
	C ₃ H ₂ F ₅ Cl (HCFC-235)	
	C ₃ H ₃ FCl ₄ (HCFC-241)	
	C ₃ H ₃ F ₂ Cl ₃ (HCFC-242)	
	C ₃ H ₃ F ₃ Cl ₂ (HCFC-243)	
C ₃ H ₃ F ₄ Cl (HCFC-244)		
C ₃ H ₄ FCl ₃ (HCFC-251)		
C ₃ H ₄ F ₂ Cl ₂ (HCFC-252)		
C ₃ H ₄ F ₃ Cl (HCFC-253)		
C ₃ H ₅ FCl ₂ (HCFC-261)		
C ₃ H ₅ F ₂ Cl (HCFC-262)		
C ₃ H ₆ FCl (HCFC-271)		

(¹) These ozone-depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties to the Protocol.

(²) This formula does not refer to 1,1,2-trichloroethane.

ANNEX II

Quantitative limits on imports from third countries

(calculated levels expressed in tonnes)

Substance	Group I	Group II (% of 1989 imports) (¹)	Group III	Group IV (% of 1989 imports) (¹)	Group V (% of 1989 imports) (¹)
For 12 month periods from 1 January to 31 December :					
1991	2 322 (²)				
1992		50 %	700	50 %	100 %
1993	1 161	50 %	700	50 %	100 %
1994	1 161	50 %	700	50 %	100 %
1995	755	32,5 %	350	15 %	70 %
1996	348	15 %	350	15 %	70 %
1997	174 (³)	7,5 % (³)	350	15 %	70 %
1998			350	0 %	70 %
1999			350		70 %
2000			0		30 %
2001					30 %
2002					30 %
2003					30 %
2004					30 %
2005					0 %

(¹) These percentages will be replaced by absolute figures as soon as these figures are available. They will be published by the Commission in the Official Journal.

(²) For the period 1 July 1991 to 31 December 1992.

(³) For the period 1 January to 30 June 1997. Thereafter there will not be any imports of the substances concerned.

COUNCIL REGULATION (EEC) No 595/91

of 4 March 1991

concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organization of an information system in this field and repealing Regulation (EEC) No 283/72

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2048/88⁽²⁾, and in particular Article 8 (3) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 2 (4) thereof,Having regard to the proposal from the Commission⁽⁵⁾,Having regard to the opinion of the European Parliament⁽⁶⁾,

Whereas Article 8 of Regulation (EEC) No 729/70 lays down the principles according to which the Community intends to intensify the campaign against irregularities and recover the sums lost and whereas, in accordance with paragraph 3 of that Article, the Council must adopt general rules for the adoption thereof;

Whereas the provisions of Regulation (EEC) No 283/72⁽⁷⁾ need to be adjusted in order to harmonize its application in the Member States and intensify the campaign against irregularities in the light of experience; whereas, for reasons of clarity, it is appropriate to replace Regulation (EEC) No 283/72 in its entirety;

Whereas, in order for the Community to be better informed of the measures taken by Member States to combat irregularities, the national provisions to be communicated to the Commission should be specified;

Whereas, with a view to ascertaining the nature of fraudulent practices and the financial effects of irregularities and to recovering sums wrongly paid, provision should be made for irregularities to be communicated to the

Commission every quarter; whereas such communication must be supplemented by information on the progress of judicial or administrative procedures;

Whereas the Commission should be systematically informed of judicial and administrative procedures against persons who have committed irregularities; whereas it would also be advisable to ensure the systematic transmission of information concerning the measures taken by the Member States to safeguard the Community's financial interests;

Whereas the procedures to be followed by the Member States and the Commission in cases where the sums lost through an irregularity cannot be recovered should be specified;

Whereas, in cases where the Commission requests a Member State to institute an inquiry, the Commission must be informed of the preparation for the inquiry and its outcome; whereas the rights of Commission officials participating in such inquiries should be defined;

Whereas national rules relating to criminal proceedings or mutual assistance between Member States at judicial level in criminal matters must not be affected by the provisions of this Regulation;

Whereas provision should be made for a Community contribution to the inquiry and recovery costs based on the sums recovered; whereas it is also appropriate to provide for the possibility of the Community making a contribution to legal costs and to costs arising directly from legal proceedings;

Whereas, in order to prevent irregularities, cooperation between the Member States and the Commission should be reinforced while making sure that such action is conducted with a large measure of discretion;

Whereas the overall results should be communicated to the Committee of the European Agricultural Guidance and Guarantee Fund every quarter and to the European Parliament and the Council annually;

Whereas the minimum threshold above which cases of irregularities must automatically be notified by the Member States should be raised; whereas that threshold is determined, Article 2 (1) of Regulation (EEC) No 1676/85 notwithstanding, in such a way as to obtain a uniform and comparable approach, which can readily be put into effect by the national administrations concerned on the basis of an exchange rate which reflects economic reality;

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No C 138, 7. 6. 1990, p. 6.⁽⁶⁾ OJ No C 324, 24. 12. 1990.⁽⁷⁾ OJ No L 36, 10. 2. 1972, p. 1.

Whereas it should be specified that the provisions of this Regulation also apply in cases where a payment which should have been made by an operator within the framework of the European Agricultural Guidance and Guarantee Fund, Guarantee Section, hereinafter referred to as 'the Fund', has not been made as a result of an irregularity,

HAS ADOPTED THIS REGULATION :

Article 1

The measures referred to in this Regulation shall relate to all expenditure by the European Agricultural Guidance and Guarantee Fund, Guarantee Section.

This Regulation shall continue to apply in the case of irregularities which relate to European Agricultural Guidance and Guarantee Fund, Guidance Section, expenditure and which were notified before 1 January 1989.

This Regulation shall not affect the application, in the Member States, of rules relating to criminal proceedings or mutual assistance between Member States at judicial level in criminal matters.

Article 2

1. Member States shall communicate to the Commission within three months of the entry into force of this Regulation :

- the provisions laid down by law, regulation or administrative action for the application of the measures provided for in Article 8 (1) of Regulation (EEC) No 729/70, and
- the list of authorities and bodies responsible for the application of those measures and the main provisions relating to the role and functioning of those authorities and bodies and to the procedures which they are responsible for applying.

2. Member States shall communicate forthwith to the Commission any amendments to the information supplied in pursuance of paragraph 1.

3. The Commission shall study Member States' communications and shall inform the Fund Committee of the conclusions which it intends to draw therefrom. It shall keep in contact with the Member States, where appropriate within the Fund Committee, to the extent necessary for the application of this Article.

Article 3

1. During the two months following the end of each quarter, Member States shall communicate to the Commission a list of irregularities which have been the

subject of the primary administrative or judicial findings of fact.

To this end they shall as far as possible give detailed information concerning :

- the provision which has been infringed,
- the nature and amount of the expenditure ; in cases where no payment has been made, the amounts which would have been wrongly paid had the irregularity not been discovered, except where the economic operator is guilty of error or negligence detected before payment and not resulting in any administrative or judicial penalty,
- the common organization of the market and the product or products or measure concerned ;
- the period during which, or the moment at which, the irregularity was committed,
- the practices adopted in committing the irregularity,
- the manner in which the irregularity was discovered,
- the national authorities or bodies which recorded the irregularity,
- the financial consequences and possibilities of recovery,
- the date and source of the first information leading to suspicion that an irregularity existed,
- the date on which the irregularity was discovered,
- where appropriate, the Member States and third countries involved,
- the identity of the natural and legal persons involved, save in cases where such information is of no relevance in combating irregularities on account of the character of the irregularity concerned.

2. Where some of this information, and in particular that concerning the practices adopted in committing the irregularity and the manner in which this was discovered, is not available, Member States shall as far as possible supply the missing information when forwarding subsequent quarterly lists of irregularities to the Commission.

3. If national provisions provide for the confidentiality of investigations, communication of this information shall be subject to the authorization of the competent court.

Article 4

Each Member State shall forthwith communicate to the other Member States concerned and to the Commission any irregularities that have been discovered or that are suspected which it is feared may have effects outside its territory very quickly or which show that a new fraudulent practice has been adopted.

Article 5

1. During the two months following the end of each quarter, Member States shall inform the Commission of the procedures instituted following the irregularities noti-

fied under Article 3 and of all important changes resulting therefrom, including :

- the amounts which have been, or are expected to be, recovered,
- the precautionary action taken by Member States to safeguard recovery of sums wrongly paid,
- the judicial and administrative procedures instituted with a view to recovering sums wrongly paid and applying sanctions,
- the reasons for any abandonment of recovery procedures ; the Commission shall, as far as possible, be notified before a decision is taken,
- any abandonment of criminal prosecutions.

Member States shall notify the Commission of administrative or judicial decisions, or the main points thereof, concerning the termination of these procedures.

2. Where a Member State considers that an amount cannot be totally recovered, or cannot be expected to be totally recovered, it shall inform the Commission, in a special notification, of the amount not recovered and the reasons why the amount should, in its view, be borne by the Community or by the Member State.

This information must be sufficiently detailed to enable the Commission to decide who shall bear the financial consequences, in accordance with Article 8 (2) of Regulation (EEC) No 729/70. This decision shall be taken in accordance with the procedure laid down in Article 5 of that Regulation.

Article 6

1. Where the Commission considers that irregularities have taken place in one or more Member States, it shall inform the Member State or States concerned thereof and that State or those States shall, at the earliest opportunity, hold an inquiry in which officials of the Commission may take part.

For the purposes of this Article, 'inquiry' shall be taken to mean any inspection, verification or action carried out by officials of the national administration with a view to establishing whether there has been an irregularity, with the exception of action carried out at the request or under the direct authority of a court.

2. The Member State shall, as soon as possible, communicate to the Commission the inquiry findings.

Where an inquiry shows that there has been an irregularity, the Member State shall inform the Commission thereof in accordance with Articles 3, 4 and 5 and, where appropriate, the other Member States concerned, in accordance with Article 4.

3. Where officials of the Commission take part in the inquiry, the Member State concerned shall be informed thereof. Except in urgent cases, the Member State shall

communicate the basic facts of the inquiry to the Commission at least one week in advance.

4. Where Commission officials participate in an inquiry, that inquiry shall at all times be conducted by the officials of the Member State ; Commission officials may not, on their own initiative, use the powers of inspection conferred on national officials ; on the other hand, they shall have access to the same premises and to the same documents as those officials.

Insofar as national provisions on criminal proceedings reserve certain acts to officials specifically designated by national law, Commission officials shall not take part in such acts. In any event, they shall not participate in particular in any event in searches of premises or the formal questioning of persons under national criminal law. They shall, however, have access to the information thus obtained.

In order to participate in the inspections referred to in paragraph 1, Commission officials shall produce written instructions stating their identities and their functions.

Article 7

1. When the amounts recovered are placed at the Fund's disposal, the Member State may retain 20 % of those amounts where the rules laid down by this Regulation have not been significantly infringed.

2. Where the competent authorities of a Member State decide, at the express request of the Commission, to initiate or continue legal proceedings with a view to recovering amounts wrongly paid, the Commission may undertake to reimburse to the Member State all or part of the legal costs and costs arising directly from the legal proceedings, on presentation of documentary evidence, even if the proceedings are unsuccessful.

Article 8

1. The Commission shall maintain appropriate contacts with the Member States concerned for the purpose of supplementing the information supplied on the irregularities referred to in Article 3, on the procedures referred to in Article 5, and, in particular, on the possibility of recovery.

2. Without prejudice to such contact, the matter shall be put before the Fund Committee where the nature of the irregularity is such as to suggest that identical or similar practices could occur in other Member States.

3. Furthermore, the Commission shall organize meetings of an informatory nature at Community level for the appropriate representatives of the Member States in order to examine with them the information obtained under Articles 3, 4 and 5 and paragraph 1 above, in particular with regard to the lessons to be learned therefrom in connection with irregularities, preventive measures and legal proceedings. As far as necessary, the Commission shall keep the Fund Committee informed of this work

and shall consult the Committee regarding any proposals which it intends to submit to the Council for the prevention of irregularities.

4. At the request of a Member State or, under the arrangements laid down in paragraph 3, of the Commission, the Member States shall consult each other, where appropriate within the Fund Committee or any other competent body, for the purpose of closing any gaps which become apparent in the course of application of provisions in force and which prejudice Community interests.

Article 9

The Fund Committee shall be informed every quarter by the Commission of the order of magnitude of the sums involved in the irregularities which have been discovered and of the various categories of irregularity, broken down by type and with a statement of the number. In a special chapter of the annual report on the administration of the Fund, provided for in Article 10 of Regulation (EEC) No 729/70, the Commission shall give the number of cases which have been notified and of those which have been closed, together with the sums recovered and the sums written off.

Article 10

1. Member States and the Commission shall take all necessary precautions to ensure that the information which they exchange remains confidential.

2. The information referred to in paragraph 1 may not, in particular, be sent to persons other than those in the Member States or within the Community institutions whose duties require that they have access to it, unless the Member State supplying it has expressly agreed.

3. The names of natural or legal persons may be disclosed to another Member State of Community institution only insofar as this is necessary in order to prevent or prosecute an irregularity or to establish whether an alleged irregularity has taken place.

4. Information communicated or acquired in any form under this Regulation shall be covered by professional confidentiality and be protected in the same way as similar information is protected by the national legislation of the Member State that received it and by the corresponding provisions applicable to the Community institutions.

In addition, that information may not be used for any purposes other than those provided for in this Regulation unless the authorities that have provided it have given their express consent and provided that the provisions in force in the Member State in which the authority that has received it is located do not prohibit such communication or use.

5. Paragraphs 1 to 4 shall not impede the use, in any legal actions or proceedings subsequently instituted in

respect of non-compliance with the law on agricultural matters, of information obtained pursuant to this Regulation. The competent authority of the Member State which supplied this information shall be informed forthwith of such use.

6. Where a Member State notifies the Commission that a natural or legal person whose name has been communicated to the Commission under this Regulation proves on further inquiry not to be involved in irregularity, the Commission shall forthwith inform all those to whom it disclosed that name under this Regulation of that fact. Such person shall thereupon cease to be treated, on account of the earlier notification, as a person involved in the irregularity in question.

Article 11

In cases of co-financing by the Fund and a Member State, the amounts recovered shall be shared by that Member State and the Community in proportion to their respective expenditure.

Article 12

1. Where the irregularities relate to sums of less than ECU 4 000, Member States shall not forward the information provided for in Articles 3 and 5 to the Commission unless the latter expressly requests it.

2. The amount referred to in paragraph 1 shall be converted into national currency by applying the exchange rates published in the *Official Journal of the European Communities*, C series, which are valid on the first working day of the year in which the information on the irregularities is communicated.

Article 13

The provisions of this Regulation shall be applicable *mutatis mutandis* in cases where the payment of a sum to the fund has not been made in accordance with the provisions in question.

Article 14

1. Regulation (EEC) No 283/72 is hereby repealed.
2. References to Regulation (EEC) No 283/72 shall be deemed to be references to this Regulation.

Article 15

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

The last four indents of the second subparagraph of Article 3 (1) shall be applicable as from the date of the communication concerning the second quarter of 1991.

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

Done at Brussels, 4 March 1991.

For the Council

The President

R. STEICHEN

COUNCIL REGULATION (EEC) No 596/91

of 4 March 1991

amending Regulation (EEC) No 458/80 on collective projects for the restructuring of vineyards

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the trend in demand on the market for wine calls for the structural adaptation of production which is the aim pursued by the restructuring of vineyards provided for in Regulation (EEC) No 458/80 ⁽⁴⁾, as last amended by Regulation (EEC) No 388/88 ⁽⁵⁾; whereas that aim is likely not to be achieved, in particular as a result of a failure to implement certain collective restructuring projects approved by the Commission in accordance with Article 7 of Regulation (EEC) No 458/80; whereas, in order to improve the degree to which the common measure introduced in Article 1 of that Regulation has been implemented, provision should be made for transferring, in accordance with detailed rules to be determined, the Community aid to additional projects within the limit of the amounts corresponding to projects already approved which are not to be executed,

Article 1

The following Article is hereby inserted in Regulation (EEC) No 458/80:

Article 11a

1. In order to improve the degree to which the common measure is implemented, Member States may transfer to other projects the Community aid granted to projects which cannot be completely carried out before the end of the implementation deadline, provided that these improve production quality and limit production yields of restructured vineyards.

2. In accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88 ⁽⁶⁾, the Commission shall adopt the detailed rules for applying paragraph 1. These shall fix in particular a compulsory time limit for completing all the restructuring activities undertaken pursuant to this Regulation and shall determine the procedures applicable to monitoring and the later assessment of the projects.

⁽⁶⁾ OJ No L 374, 31. 12. 1988, p. 1.

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, 4 March 1991.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No C 245, 29. 9. 1990, p. 14.

⁽²⁾ OJ No C 19, 28. 1. 1991.

⁽³⁾ OJ No C 41, 18. 2. 1991, p. 9.

⁽⁴⁾ OJ No L 57, 29. 2. 1980, p. 27.

⁽⁵⁾ OJ No L 39, 12. 2. 1988, p. 1.

**COUNCIL REGULATION (EEC) No 597/91
of 5 March 1991**

**on urgent action for the supply of agricultural and medical products intended
for the people of Romania and Bulgaria**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas agricultural and medical products should be made available to Romania and Bulgaria to improve the food supply and health conditions of the peoples of these two countries, without jeopardizing progress towards a system of supply based on market rules; whereas the Community has agricultural products in storage as a result of intervention measures and, in view of the situation on the market, priority should be given, in carrying out this action, to supplying these products; whereas, further, provision should be made for mobilizing agricultural products on the Community market in response to specific requests; whereas regularization of the agricultural markets may also be achieved by supplying such products in processed form;

Whereas the action proposed is essentially humanitarian in its aim and should therefore be based also upon Article 235 of the Treaty;

Whereas it is necessary to verify that the agricultural and medical products supplied to Romania and Bulgaria under this measure are used as intended; whereas, apart from the powers of the Court of Auditors in this regard, the Commission must be afforded the opportunity of monitoring the operations in question on the spot, with the help, if necessary, of external monitoring bodies;

Whereas it is for the Commission to lay down detailed rules for implementing this measure,

⁽¹⁾ OJ No C 22, 30. 1. 1991, p. 10.

⁽²⁾ Opinion delivered on 22 February 1991 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 30 January 1991 (not yet published in the Official Journal).

Article 1

The Community shall take urgent action to supply Romania and Bulgaria with agricultural and medical products. Expenditure on this action shall be limited to ECU (budget) 100 million, of which ECU 20 million shall be for aid in the form of medical products.

Article 2

For the purposes of this action, with regard to agricultural products:

1. the Community shall transfer agricultural products available as a result of intervention free of charge to Romania and Bulgaria; in response to specific requests concerning products not available from intervention stocks, products may be mobilized on the Community market;
2. supply costs shall be met by the Community and suppliers shall be chosen by tendering procedure. Transport costs shall be borne by the Community unless the recipient country itself takes the products over in the Community. These costs may include processing of products mobilized as provided for in paragraph 1;
3. as an exception, and for reasons arising only from the urgency of the action, the Commission may choose the supplier by direct agreement;
4. no export refund shall be granted, or monetary compensatory amounts applied in respect of the products supplied under this action.

Article 3

The accounting value of the products transferred to Romania and Bulgaria shall be determined using the procedure laid down in Article 13 of Regulation (EEC) No 729/70 ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁵⁾.

Article 4

The Commission shall be responsible for verifying on the spot the delivery operations and the application of the criteria adopted when the aid is distributed to the people.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

Article 5

1. The Commission shall be responsible for implementing this action.
2. Except where emergency medical aid is concerned, detailed rules for the application of this Regulation shall be adopted using the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 ⁽¹⁾, as last amended by

Regulation (EEC) No 3577/90 ⁽²⁾, or, as appropriate, the corresponding Articles of other Regulations on common organization of the market.

Article 6

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

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

Done at Brussels, 5 March 1991.

For the Council

The President

J. F. POOS

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

COUNCIL REGULATION (EEC) No 598/91

of 5 March 1991

**on urgent action for the supply of agricultural products intended for the people
of the Soviet Union**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas agricultural products should be made available to the Soviet Union in order to improve the food supply to the population of that country, taking account of the diversity of the situations of the Republics, without jeopardizing progress towards a system of supply based on market rules; whereas the Community has agricultural products in storage as a result of intervention measures and, in view of the situation on the market, priority should be given, in carrying out this action, to supplying these products; whereas, further, provision should be made for mobilizing agricultural products on the Community market in response to specific requests; whereas regularization of the agricultural markets may also be achieved by supplying such products in processed form;

Whereas the action proposed is essentially humanitarian in its aim and should therefore be based also upon Article 235 of the Treaty;

Whereas it is necessary to verify that the agricultural products supplied to the Soviet Union under this measure are used as intended; whereas, apart from the powers of the Court of Auditors in this regard, the Commission must be afforded the opportunity of monitoring the operations in question on the spot, with the help, if necessary, of external monitoring bodies;

Whereas it is for the Commission to lay down detailed rules for implementing this measure,

⁽¹⁾ OJ No C 22, 30. 1. 1991, p. 10.

⁽²⁾ Opinion delivered on 22 February 1991 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 30 January 1991 (not yet published in the Official Journal).

Article 1

The Community shall take urgent action to supply the Soviet Union with agricultural products. Expenditure on this action shall be limited to ECU (budget) 250 million.

Article 2

For the purposes of this action :

1. the Community shall transfer agricultural products available as a result of intervention free of charge to the Soviet Union; in response to specific requests concerning products not available from intervention stocks, products may be mobilized on the Community market;
2. supply costs shall be met by the Community and suppliers shall be chosen by tendering procedure. Transport costs shall be borne by the Community unless the recipient country itself takes the products over in the Community. These costs may include processing of products mobilized as provided for in paragraph 1;
3. as an exception, and for reasons arising only from the urgency of the action, the Commission may choose the supplier by direct agreement;
4. no export refund shall be granted, or monetary compensatory amounts applied, in respect of the products supplied under this action.

Article 3

The accounting value of the products transferred to the Soviet Union shall be determined using the procedure laid down in Article 13 of Regulation (EEC) No 729/70 ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁵⁾.

Article 4

The Commission shall be responsible for verifying on the spot the delivery operations and the application of the criteria adopted when the aid is distributed to the people.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

Article 5

1. The Commission shall be responsible for implementing this action.

2. Detailed rules for the application of this Regulation shall be adopted in accordance with the following procedure :

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States

within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event :

- the Commission shall defer application of the measures which it has decided for a period of two months from the date of communication ;
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 6

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

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

Done at Brussels, 5 March 1991.

For the Council

The President

J. F. POOS

COUNCIL REGULATION (EEC) No 599/91

of 5 March 1991

introducing a credit guarantee for exports of agricultural products and foodstuffs from the Community to the Soviet Union

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Soviet Union has asked the Community to supply it with agricultural and food products; whereas, in order to facilitate the export of these products to the Soviet Union, the Community should provide a credit guarantee facility, without compromising the terms of normal supplies in accordance with market rules;

Whereas provision should be made for the said Community guarantee to be provided at the request of the Soviet Union for food exports in conjunction with contracts between the Soviet Union and Community undertakings; whereas provision should also be made that the guarantee be extended solely for the purchase of agricultural and food products originating in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

A Community medium-term credit guarantee scheme, hereinafter referred to as the 'guarantee', is hereby instituted to enable the Soviet Union to import agricultural and food products from the Community on the terms and conditions set out in this Regulation.

Article 2

The guarantee, provided subject to payment of a surety commission, shall cover, in the event of default, 98 % of the repayment of the principal and interest on loans in ecus granted to the Soviet Union by a pool of commercial banks established in the Community for the purchase and importation of agricultural and food products, in accordance with an agreement to be concluded between the Community and the Soviet Union and negotiated by the

Commission in consultation with a committee composed of representatives of the Member States.

This agreement shall contain, *inter alia*, a list of the products to be purchased and the quantities of such products, the terms of purchase and importation, and provisions governing the said loans. This agreement shall also mention guarantees on the part of the Soviet Union regarding the effective nature of the distribution of the products purchased. To this end, an independent control body shall be responsible for supervising the distribution of these products.

Article 3

The total credit for which the repayments are covered by the guarantee may not exceed ECU 500 million with a maximum maturity of three years and reimbursement in six equal six-monthly instalments as from expiry of the drawing period. The credit shall be backed by the payment and transfer guarantee of a body empowered to cover sovereign risk and to authorize foreign currency transfers. The period for drawing upon the credit shall be limited to six months as from the date of signing of the agreement provided for in Article 2. This loan may be drawn upon in tranches. Payment of these tranches shall depend upon the degree to which the Soviet Union complies with the provisions of the agreement referred to in Article 2 and with the conditions laid down for extending the guarantee.

Article 4

The guarantee shall be extended only where the trade contracts financed with the credit backed by the guarantee are intended solely to cover the purchase of agricultural and food products originating in the Community and where there is free competition to supply these products. The other conditions under which the guarantee will be extended to the pool of commercial banks shall be adopted in accordance with the procedure laid down in Article 6. In compliance with the conditions thus laid down, the Commission shall conclude the guarantee with the pool of commercial banks.

Article 5

The Commission shall manage the guarantee in accordance with the procedure laid down in Article 6.

Article 6

The Commission shall be assisted by a committee referred to as the 'Soviet Union Guarantee Committee' composed of representatives of the Member States and chaired by a representative of the Commission.

⁽¹⁾ OJ No C 22, 30. 1. 1991, p. 9.

⁽²⁾ Opinion delivered on 22 February 1991 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 30 January 1991 (not yet published in the Official Journal).

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event :

- the Commission shall defer application of the measures which it has decided for a period of two months from the date of communication ;
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 7

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

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

Done at Brussels, 5 March 1991.

For the Council

The President

J. F. POOS

COMMISSION REGULATION (EEC) No 600/91
of 13 March 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 12 March 1991 ;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 14 March 1991.

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

Done at Brussels, 13 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 13 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	134,73 ⁽²⁾ ⁽³⁾
0712 90 19	134,73 ⁽²⁾ ⁽³⁾
1001 10 10	197,75 ⁽¹⁾ ⁽²⁾
1001 10 90	197,75 ⁽¹⁾ ⁽²⁾
1001 90 91	183,82
1001 90 99	183,82
1002 00 00	157,32 ⁽⁶⁾
1003 00 10	153,34
1003 00 90	153,34
1004 00 10	145,61
1004 00 90	145,61
1005 10 90	134,73 ⁽²⁾ ⁽³⁾
1005 90 00	134,73 ⁽²⁾ ⁽³⁾
1007 00 90	146,08 ⁽⁴⁾
1008 10 00	60,90
1008 20 00	140,58 ⁽⁴⁾
1008 30 00	70,29 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	70,29
1101 00 00	270,70 ⁽⁸⁾
1102 10 00	234,61 ⁽⁸⁾
1103 11 10	320,02 ⁽⁸⁾
1103 11 90	290,90 ⁽⁸⁾

- (1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (2) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.
- (3) Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.
- (4) Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- (5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).
- (7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- (8) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

**COMMISSION REGULATION (EEC) No 601/91
of 13 March 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 12 March 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 14 March 1991.

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

Done at Brussels, 13 March 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 13 March 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	3	4	5	6
0709 90 60	0	6,61	6,61	6,28
0712 90 19	0	6,61	6,61	6,28
1001 10 10	0	1,80	1,80	1,80
1001 10 90	0	1,80	1,80	1,80
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	6,61	6,61	6,28
1005 90 00	0	6,61	6,61	6,28
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	3	4	5	6	7
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 602/91

of 12 March 1991

establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3334/90⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 March 1991.

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

Done at Brussels, 12 March 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	31,39	1 326	247,41	64,40	219,16	6943	24,16	48 073	72,58	22,03
1.20	0702 00 10 0702 00 90	Tomatoes	81,04	3 424	638,77	166,27	565,82	17 925	62,38	124 112	187,39	56,88
1.30	0703 10 19	Onions (other than seed)	24,83	1 049	195,75	50,95	173,39	5 493	19,11	38 034	57,42	17,43
1.40	0703 20 00	Garlic	199,38	8 423	1 571,53	409,06	1 392,05	44 101	153,49	305 346	461,04	139,96
1.50	ex 0703 90 00	Leeks	56,47	2 385	445,10	115,86	394,27	12 491	43,47	86 483	130,58	39,64
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	111,88	4 727	881,91	229,55	781,19	24 749	86,13	171 354	258,72	78,54
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	23,77	1 004	187,40	48,78	165,99	5 259	18,30	36 411	54,97	16,69
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	81,45	3 441	642,04	167,12	568,72	18 017	62,70	124 749	188,35	57,18
1.100	ex 0704 90 90	Chinese cabbage	63,07	2 664	497,12	129,39	440,34	13 950	48,55	96 590	145,84	44,27
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	106,07	4 481	836,05	217,62	740,57	23 462	81,65	162 443	245,27	74,45
1.120	ex 0705 29 00	Endives	69,92	2 951	551,84	143,36	487,84	15 388	53,87	107 438	161,60	49,09
1.130	ex 0706 10 00	Carrots	50,21	2 121	395,77	103,02	350,57	11 106	38,65	76 899	116,11	35,24
1.140	ex 0706 90 90	Radishes	83,52	3 529	658,36	171,36	583,17	18 475	64,30	127 918	193,14	58,63
1.150	0707 00 11 0707 00 19	Cucumbers	84,38	3 565	665,11	173,12	589,15	18 665	64,96	129 231	195,12	59,23
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	268,48	11 343	2 116,21	550,84	1 874,53	59 387	206,68	411 177	620,83	188,46
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	187,51	7 922	1 478,02	384,72	1 309,23	41 477	144,35	287 178	433,60	131,63
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	209,67	8 858	1 652,63	430,17	1 463,89	46 377	161,41	321 104	484,83	147,18
1.180	ex 0708 90 00	Broad beans	90,54	3 825	713,70	185,77	632,20	20 028	69,70	138 672	209,38	63,56
1.190	0709 10 00	Globe artichokes	88,70	3 748	699,21	182,00	619,36	19 622	68,29	135 856	205,12	62,27
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	393,67	16 632	3 102,96	807,69	2 748,59	87 078	303,06	602 901	910,31	276,35
1.200.2	ex 0709 20 00	— other	200,50	8 462	1 582,32	411,05	1 398,80	44 123	154,48	308 059	463,38	140,76
1.210	0709 30 00	Aubergines (egg-plants)	131,48	5 555	1 036,35	269,75	917,99	29 083	101,22	201 362	304,03	92,29
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	61,40	2 594	484,00	125,98	428,73	13 582	47,27	94 042	141,99	43,10
1.230	0709 51 30	Chantarelles	547,80	23 223	4 305,96	1 127,97	3 777,47	112 445	420,46	845 160	1 271,93	383,30
1.240	0709 60 10	Sweet peppers	128,21	5 417	1 010,59	263,05	895,17	28 360	98,70	196 356	296,47	90,00
1.250	0709 90 50	Fennel	125,36	5 296	988,17	257,21	875,31	27 730	96,51	192 000	289,90	88,00
1.260	0709 90 70	Courgettes	69,63	2 942	548,87	142,86	486,18	15 402	53,60	106 645	161,02	48,88
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	72,78	3 080	573,11	149,64	502,35	15 180	55,82	112 490	168,76	50,99
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	87,98	3 716	694,15	180,34	612,04	18 967	67,47	135 667	203,31	61,65
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	51,03	2 156	402,28	104,71	356,34	11 289	39,29	78 163	118,01	35,82
2.30	ex 0804 30 00	Pineapples, fresh	41,93	1 771	330,54	86,04	292,79	9 276	32,28	64 224	96,97	29,43
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	127,31	5 379	1 003,52	261,21	888,91	28 161	98,01	194 983	294,40	89,37

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	188,65	7970	1487,00	387,06	1 317,17	41 729	145,23	288 922	436,24	132,43
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	44,87	1 895	353,69	92,06	313,30	9 925	34,54	68 723	103,76	31,50
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	41,21	1 741	324,89	84,56	287,79	9 117	31,73	63 127	95,31	28,93
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	26,48	1 118	208,95	54,28	184,23	5 709	20,30	40 838	61,20	18,55
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	106,87	4 515	842,42	219,28	746,21	23 640	82,27	163 681	247,14	75,02
2.70.2	ex 0805 20 30	— Monreales and Satsumas	69,42	2 933	547,24	142,44	484,74	15 357	53,44	106 328	160,54	48,73
2.70.3	ex 0805 20 50	— Mandarins and wilkings	65,42	2 764	515,70	134,23	456,80	14 472	50,36	100 200	151,29	45,92
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	81,36	3 437	641,28	166,92	568,04	17 996	62,63	124 600	188,13	57,11
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	56,54	2 389	445,72	116,02	394,82	12 508	43,53	86 603	130,76	39,69
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	71,61	3 025	564,49	146,93	500,02	15 841	55,13	109 681	165,60	50,27
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	33,36	1 409	263,01	68,46	232,97	7 380	25,68	51 103	77,16	23,42
2.90.2	ex 0805 40 00	— pink	58,70	2 480	462,71	120,44	409,86	12 984	45,19	89 903	135,74	41,20
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	115,87	4 895	913,35	237,74	809,04	25 631	89,20	177 463	267,95	81,34
2.110	0807 10 10	Water-melons	27,15	1 151	213,48	55,92	187,27	5 574	20,84	41 901	63,05	19,00
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	45,40	1 918	357,87	93,15	317,00	10 043	34,95	69 534	104,99	31,87
2.120.2	ex 0807 10 90	— other	136,20	5 754	1 073,56	279,44	950,95	30 127	104,85	208 592	314,95	95,61
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	68,91	2 911	543,15	141,38	481,12	15 242	53,04	105 534	159,34	48,37
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	110,81	4 676	874,53	227,18	773,10	24 386	85,38	170 261	256,10	77,79
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	58,20	2 459	458,78	119,41	406,38	12 874	44,80	89 140	134,59	40,85
2.150	0809 10 00	Apricots	140,85	5 932	1 109,84	288,19	981,41	30 821	108,42	216 792	324,75	99,48
2.160	0809 20 10 0809 20 90	Cherries	151,28	6 386	1 193,65	309,95	1 053,40	33 046	116,27	232 934	349,44	106,23
2.170	ex 0809 30 00	Peaches	135,37	5 719	1 067,01	277,73	945,15	29 943	104,21	207 318	313,02	95,02

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	129,82	5 485	1 023,31	266,36	906,44	28 717	99,94	198 828	300,21	91,13
2.190	0809 40 11 0809 40 19	Plums	127,51	5 387	1 005,07	261,61	890,29	28 205	98,16	195 284	294,85	89,51
2.200	0810 10 10 0810 10 90	Strawberries	337,06	14 241	2 656,74	691,54	2 353,32	74 555	259,48	516 200	779,40	236,60
2.205	0810 20 10	Raspberries	715,82	30 243	5 642,13	1 468,62	4 997,77	158 334	551,06	1 096 258	1 655,23	502,48
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	145,50	6 146	1 147,96	298,25	1 012,17	31 366	111,57	224 360	336,22	101,95
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	72,67	3 070	572,85	149,11	507,43	16 076	55,95	111 305	168,05	51,01
2.230	ex 0810 90 80	Pomegranates	54,65	2 307	431,24	111,97	380,57	11 938	42,00	84 154	126,24	38,38
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	89,65	3 788	706,68	183,94	625,97	19 831	69,02	137 307	207,31	62,93
2.250	ex 0810 90 30	Lychees	221,74	9 368	1 747,82	454,95	1 548,21	49 048	170,70	339 598	512,75	155,66

COMMISSION REGULATION (EEC) No 603/91

of 13 March 1991

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 305/91⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 March 1991.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 13 March 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 13 March 1991 fixing the export refunds on white sugar and raw sugar exported in its unaltered 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	35,30 ⁽¹⁾	
1701 11 90 910	34,38 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,30 ⁽¹⁾	
1701 12 90 910	34,38 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3837
1701 99 10 100	38,37	
1701 99 10 910	37,37	
1701 99 10 950	37,37	
1701 99 90 100		0,3837

⁽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 604/91

of 13 March 1991

fixing the maximum export refund for white sugar for the 45th 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 305/91⁽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 45th 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 45th 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 39,988 per 100 kilograms.

Article 2

This Regulation shall enter into force on 14 March 1991.

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

Done at Brussels, 13 March 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 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 100, 20. 4. 1990, p. 9.

⁽⁴⁾ OJ No L 265, 28. 9. 1990, p. 15.

COMMISSION REGULATION (EEC) No 605/91

of 12 March 1991

laying down detailed rules for the application of Council Regulation (EEC) No 597/91 as regards urgent action to supply oranges to Bulgaria

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

Having regard to Council Regulation (EEC) No 597/91 of 5 March 1991 on urgent action for the supply of agricultural and medical products for the people of Romania and Bulgaria⁽¹⁾, and in particular Article 5 (2) thereof,

Whereas Article 2 of Regulation (EEC) No 597/91 lays down that the Community is to transfer agricultural products available as a result of intervention free of charge to Bulgaria and that the transport costs are to be borne by the Community unless the recipient country takes the products over in the Community;

Whereas the Bulgarian authorities have asked for the supply of some 15 000 tonnes of oranges and have said that they will transport them by their own means;

Whereas oranges are likely to be withdrawn from the market in Greece under Council Regulation (EEC) No 1035/82 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 3920/90⁽³⁾; whereas the Bulgarian request can, therefore, be met; whereas detailed rules for the supply of these oranges withdrawn from the market in Greece should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For 1 June 1991 Greece shall make available to the authorized agents of the Bulgarian authorities 15 000 tonnes of oranges from the 1990/91 marketing year with-

drawn from the market in Greece in accordance with Regulation (EEC) No 1035/72.

2. The oranges shall be supplied pre-packaged at the place of business of the producers' organizations designated by the Greek authorities.

3. The authorized agents referred to in paragraph 1 shall certify that they have taken over the oranges by issuing a certificate drawn up on the basis of the specimen in Annex hereto.

Article 2

The Greek authorities shall take all necessary steps to ensure that the provisions of Regulation (EEC) No 1035/75 regarding withdrawals from the market and the provisions of Regulation (EEC) No 597/91 and of this Regulation are complied with.

Article 3

The Greek authorities shall send the Commission every fortnight:

- details of the quantities of oranges withdrawn from the market and taken over by the authorized agents designated by the Bulgarian authorities in the previous fortnight, indicating the producers' organizations that carried out the withdrawals,

- the take-over certificates issued by the authorized agents of the Bulgarian authorities.

Article 4

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

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

Done at Brussels, 12 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ See page 17 of this Official Journal.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 375, 31. 12. 1990, p. 17.

ANNEX

SPECIMEN TAKE-OVER CERTIFICATE IN RESPECT OF SUPPLIES OF FRESH FRUIT AND VEGETABLES PURSUANT TO REGULATION (EEC) No 597/91

(Article 1 (3) of Regulation (EEC) No 605/91)

I, the undersigned :

.....
(name, first name, business name)

acting on behalf of the Bulgarian Government, hereby certify that the goods set out below have been taken over :

— Place and date of take-over :

.....

— Producers' organization that carried out the withdrawals :

.....

— Product :

.....

— Batch No :

.....

— Tonnes (net weight) :

.....

REMARKS :

.....
.....
.....
.....

(Signed)

COMMISSION REGULATION (EEC) No 606/91
of 13 March 1991
amending Regulation (EEC) No 1000/90 continuing promotional and publicity
measures in respect of 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 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3660/90⁽²⁾, and in particular Article 4 thereof,

Whereas Article 5 (4) of Commission Regulation (EEC) No 1000/90⁽³⁾, as last amended by Regulation (EEC) No 415/91⁽⁴⁾, provides that where measures at Community level are being continued, the competent bodies are to conclude contracts with the parties concerned before 1

March 1991; whereas certain administrative difficulties require that time limit to be extended;

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

In Article 5 (4) of Regulation (EEC) No 1000/90, the date '1 March 1991' is hereby replaced by '1 April 1991'.

Article 2

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

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

Done at Brussels, 13 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 44.

⁽³⁾ OJ No L 101, 21. 4. 1990, p. 22.

⁽⁴⁾ OJ No L 49, 22. 2. 1991, p. 14.

COMMISSION REGULATION (EEC) No 607/91

of 13 March 1991

introducing a countervailing charge on cucumbers originating in Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Commission Regulation (EEC) No 222/91 of 30 January 1991 fixing for the 1991 marketing year the reference prices for cucumbers⁽³⁾ fixed the reference price for products of class I for the month of March 1991 at ECU 144,61 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the first indent of Article 1 (2) of Regulation (EEC) No 222/91;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

When cucumbers falling within CN codes 0707 00 11 and 0707 00 19 and originating in Bulgaria are imported, a countervailing charge shall be levied, the amount of which shall be fixed at ECU 7,28 per 100 kilograms net weight.

Article 2

This Regulation shall enter into force on 15 March 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 26, 31. 1. 1991, p. 26.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 13 March 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 608/91

of 13 March 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 305/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 575/91 ⁽⁴⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 12 March 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 March 1991.

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

Done at Brussels, 13 March 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 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 63, 9. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 13 March 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,80 ⁽¹⁾
1701 11 90	39,80 ⁽¹⁾
1701 12 10	39,80 ⁽¹⁾
1701 12 90	39,80 ⁽¹⁾
1701 91 00	43,89
1701 99 10	43,89
1701 99 90	43,89 ⁽²⁾

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 February 1991

approving derogations provided for by Germany from certain provisions of Council Directive 77/93/EEC in respect of ware potatoes for human consumption originating in Poland

(Only the German text is authentic)

(91/137/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 Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Commission Directive 91/27/EEC⁽²⁾, and in particular Article 14 (2) thereof and Annex IV, part A, point (24), thereto,

Whereas, pursuant to Directive 77/93/EEC, potato tubers originating in third countries where potato spindle tuber viroid has occurred may not, in principle, be brought into the Community unless their faculty of germination has been suppressed, in view of the risk of the introduction of potato spindle tuber viroid, and unless — if they originate in a country where *Corynebacterium sepedonicum* is known to occur — provisions recognized as equivalent to the Community provisions on combating this harmful organism have been complied with in the country of origin;

Whereas, nevertheless, Article 14 (1) (c) (iii) of Directive 77/93/EEC permits Member States to provide for derogations with regard to the rule relating to the suppression of

the faculty of germination, provided that there is no risk of harmful organisms spreading; whereas these derogations are subject to approval, under certain conditions, in accordance with Article 14 (2) and must also comply with the conditions laid down in Annex IV, part A, point (24);

Whereas Germany has stated that it intends to provide exceptionally for derogations for a limited period of ware potatoes for human consumption in a limited quantity;

Whereas it is known that Poland is still not free from potato spindle tuber viroid or from *Corynebacterium sepedonicum*;

Whereas Poland has developed a programme to eradicate these harmful organisms on a regional basis; whereas there are good reasons to believe that at present the risk of spreading of these harmful organisms is reduced, provided that certain technical conditions are satisfied;

Whereas therefore the derogations provided for by Germany should now be approved only for the period necessary, provided that they include the aforementioned conditions;

Whereas provisions should be made for this approval to be revoked if it is established that the specified conditions have not been met satisfactorily;

Whereas the measures provided for in this 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 16, 22. 1. 1991, p. 29.

HAS ADOPTED THIS DECISION:

Article 1

1. Approval is hereby granted, under the conditions laid down in paragraph 2, to Germany to provide, in accordance with Article 14 (1) (c) (iii) of Directive 77/93/EEC, and in connection with the third indent of part A, point (24) of Annex IV thereto, for derogations from Article 5 (1) and the third indent of Article 12 (1) (a) of that Directive as regards the requirements referred to in part A, point (25) of Annex IV thereto, in respect of ware potatoes for human consumption of the varieties Lyra and Quarta originating in Poland.

2. For the purposes of paragraph 1, the following conditions shall apply:

- (a) the potatoes shall be ware potatoes for human consumption;
- (b) the amount imported shall not exceed 1 500 tonnes;
- (c) they shall have been grown in fields located in the voievodship of Gdansk;
- (d) they shall belong to a crop from seed potatoes of the varieties Lyra and Quarta, which were imported into Poland in 1989/90 from Germany;
- (e) they shall be the direct progeny of the seed potatoes referred to in (d) and officially certified in 1990 as 'basic seed' or 'certified seed';
- (f) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes;
- (g) they shall not have been in store-houses where potatoes of varieties other than those specified in (d) have been stored;
- (h) they shall be packed:
 - either in new bags, or
 - in containers which have been disinfected in an appropriate manner,
 an official label, bearing the information specified in the Annex, shall be applied to each bag or container;
- (i) the official phytosanitary certificate required pursuant to Article 12 (1) (b) of Directive 77/93/EEC shall indicate:
 - under the section 'Disinfestation and/or disinfection treatment', all information related to the

possible treatments referred to in (h), second indent,

— under the section 'Additional declaration', the name of the variety;

- (j) the phytosanitary certificate required shall be made out separately for each consignment;
- (k) in Germany, at least six samples of 200 tubers each shall be taken officially from each of the consignments imported pursuant to this Decision, for official examination in respect of *Corynebacterium sepedonicum*, in accordance with the Community established method for the detection and diagnosis of *Corynebacterium sepedonicum* and in respect of potato spindle tuber viroid, the 'reverse-page' method, or equivalent method or c-DNA hybridization procedure;
- (l) potatoes imported pursuant to this Decision shall be used only in the greater conurbation of Berlin, and only as ware potatoes for human consumption.

Article 2

Germany shall provide the Commission and the other Member States, before 1 April 1991, with information on the amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1 (2) (k); copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 3

The approval granted in Article 1 shall apply from 15 December 1990 until 28 February 1991. It shall be revoked prior to 28 February 1991 if it is found that the conditions laid down in Article 1 (2) have been insufficient to prevent the introduction of the harmful organisms in question or have not been complied with.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 18 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX***Information required on the label***(referred to in Article 1 (2) (b))*

1. Name of the authority issuing the label.
 2. Name of the exporters' organization.
 3. Indication 'Polish ware potatoes for human consumption'.
 4. Variety.
 5. Name of area of production.
 6. Size.
 7. Declared net weight.
 8. Indication 'In accordance with EEC requirements laid down in Decision 91/137/EEC'.
 9. A mark printed or stamped on behalf of the Polish plant protection organization.
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COMMISSION DECISION

of 21 February 1991

on specific provisions for France in application of Regulation (EEC) No 3302/90
on the transfer of vine replanting rights

(Only the French text is authentic)

(91/138/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3302/90 of 15 November 1990 laying down detailed rules on the transfer of rights to replant vines ⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas France undertakes to ensure that planting resulting from the transfer of replanting rights leads to a qualitative improvement of production, to be effected with yields not exceeding the limits applicable to the quality in question; whereas, with regard to such limits, account must be taken in particular of the objectives specified for the production of wines with a geographical ascription which correspond to the yield in excess of which the intervention measures referred to in Article 39 of Council Regulation (EEC) No 822/87 ⁽²⁾, as last amended by Regulation (EEC) No 3577/90 ⁽³⁾, are applied in France;

Whereas on 17 December 1990 France notified the Commission of its specific provisions in application of Regulation (EEC) No 3302/90; whereas the provisions comply with the Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The measures that France intends to adopt pursuant to Regulation (EEC) No 3302/90, notified on 17 December 1990, comply with Community rules, provided the relevant limits on yield for each type of wine production covered by this Decision are complied with.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 21 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 317, 16. 11. 1990, p. 25.⁽²⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.

COMMISSION DECISION

of 28 February 1991

authorizing Germany to specify a minimum number of animals in the case of applications for premiums for maintaining suckler cows

(Only the German text is authentic)

(91/139/EEC)

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

Having regard to Council Regulation (EEC) No 1357/80 of 5 June 1980 introducing a system of premiums for maintaining suckler cows⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the second paragraph of Article 1 thereof,

Whereas, in accordance with the second paragraph of Article 1 of Regulation (EEC) No 1357/80, Member States may be authorized, for administrative reasons, to stipulate that the applications for the premium concern a minimum number of animals; whereas, pursuant to Article 1 (6) of Commission Regulation (EEC) No 1244/82 of 19 May 1982 laying down detailed rules implementing the system of premiums for maintaining suckler cows⁽³⁾, as last amended by Regulation (EEC) No 2079/90⁽⁴⁾, the said authorization may be granted only if certain requirements are met;

Whereas Germany has applied for an authorization, as referred to above; to stipulate that each application should concern three animals or more; whereas this is in compliance with the conditions laid down in Article 1 (6) of Regulation (EEC) No 1244/82;

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

HAS ADOPTED THIS DECISION:

Article 1

Germany is hereby authorized to stipulate that the applications for the premium for suckler cows which are submitted as from 15 June 1991 must each concern three animals or more.

Article 2

This Decision is addressed to the German Federal Republic.

Done at Brussels, 28 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 140, 5. 6. 1980, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 143, 20. 5. 1982, p. 20.

⁽⁴⁾ OJ No L 190, 21. 7. 1990, p. 15.