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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 1893/91**

of 20 June 1991

**amending Regulation (EEC) No 1191/69 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community, in particular Article 75 thereof,

*Article 1*

Having regard to the proposal from the Commission <sup>(1)</sup>,

Regulation (EEC) No 1191/69 is hereby amended as follows :

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

1. Article 1 shall be replaced by the following :

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

*Article 1*

1. This Regulation shall apply to transport undertakings which operate services in transport by rail, road and inland waterway.

Whereas, while maintaining the principle of the termination of public service obligations, the specific public interest of transport services may warrant the application of the concept of public service in this area ;

Member States may exclude from the scope of this Regulation any undertakings whose activities are confined exclusively to the operation of urban, suburban or regional services.

Whereas in compliance with the principle of the commercial independence of transport undertakings, the arrangements for providing transport services should be established in a contract concluded between the competent authorities of Member States and the undertaking concerned ;

2. For the purposes of this Regulation :

— "urban and suburban services" means transport services meeting the needs of an urban centre or conurbation, and transport needs between it and surrounding areas,

— "regional services" means transport services operated to meet the transport needs of a region.

Whereas, for the purposes of supply of certain services or in the interests of certain social categories of passenger, the Member States should retain an option to maintain or impose certain public service obligations ;

3. The competent authorities of the Member States shall terminate all obligations inherent in the concept of a public service as defined in this Regulation imposed on transport by rail, road and inland waterway.

Whereas it is therefore necessary to amend Regulation (EEC) No 1191/69 <sup>(4)</sup>, as last amended by Regulation (EEC) No 3572/90 <sup>(5)</sup>, to adapt its scope and to lay down the general rules applicable to public service contracts,

4. In order to ensure adequate transport services which in particular take into account social and environmental factors and town and country planning, or with a view to offering particular fares to certain categories of passenger, the competent authorities of the Member States may conclude public service contracts with a transport undertaking. The conditions and details of operation of such contracts are laid down in Section V.

<sup>(1)</sup> OJ No C 34, 12. 2. 1990, p. 8.

<sup>(2)</sup> OJ No C 19, 28. 1. 1991, p. 254.

<sup>(3)</sup> OJ No C 225, 10. 9. 1990, p. 27.

<sup>(4)</sup> OJ No L 156, 28. 6. 1969, p. 1.

<sup>(5)</sup> OJ No L 353, 17. 12. 1990, p. 12.

5. However, the competent authorities of the Member States may maintain or impose the public service obligations referred to in Article 2 for urban, suburban and regional passenger transport services. The conditions and details of operation, including methods of compensation, are laid down in Sections II, III and IV.

Where a transport undertaking not only operates services subject to public service obligations but also engages in other activities, the public services must be operated as separate divisions meeting at least the following conditions :

- (a) the operating accounts corresponding to each of these activities shall be separate and the proportion of the assets pertaining to each shall be used in accordance with the accounting rules in force ;
- (b) expenditure shall be balanced by operating revenue and payments from public authorities, without any possibility of transfer from or to another sector of the undertaking's activity.

6. Furthermore, the competent authorities of a Member State may decide not to apply paragraphs 3 and 4 in the field of passenger transport to the transport rates and conditions imposed in the interests of one or more particular categories of person.'

2. Article 10 (2) shall be deleted.

3. Article 11 (3) shall be deleted.

4. Section V shall be replaced by the following :

#### 'SECTION V

#### **Public service contracts**

##### *Article 14*

1. "A public service contract" shall mean a contract concluded between the competent authorities of a Member State and a transport undertaking in order to provide the public with adequate transport services.

A public service contract may cover notably :

- transport services satisfying fixed standards of continuity, regularity, capacity and quality,
- additional transport services,
- transport services at specified rates and subject to specified conditions, in particular for certain categories of passenger or on certain routes,

— adjustments of services to actual requirements.

2. A public service contract shall cover, *inter alia*, the following points :

- (a) the nature of the service to be provided, notably the standards of continuity, regularity, capacity and quality ;
- (b) the price of the services covered by the contract, which shall either be added to tariff revenue or shall include the revenue, and details of financial relations between the two parties ;
- (c) the rules concerning amendment and modification of the contract, in particular to take account of unforeseeable changes ;
- (d) the period of validity of the contract ;
- (e) the penalties in the event of failure to comply with the contract.

3. Those assets involved in the provision of transport services which are the subject of a public service contract may belong to the undertaking or be placed at its disposal.

4. Any undertaking which intends to discontinue or make substantial modifications to a transport service which it provides to the public on a continuous and regular basis and which is not covered by the contract system or the public service obligation shall notify the competent authorities of the Member State thereof at least three months in advance.

The competent authorities may decide to waive such notification.

This provision shall not affect other national procedures applicable as regards entitlement to terminate or modify transport services.

5. After receiving the information referred to in paragraph 4 the competent authorities may insist on the maintenance of the service concerned for up to one year from the date of notification and they shall inform the undertaking at least one month before the expiry of the notification.

They may also take the initiative of negotiating the establishment or modification of such a transport service.

6. Expenditure arising for transport undertakings from the obligations referred to in paragraph 5 shall be compensated in accordance with the common procedures laid down in Sections II, III and IV.'

5. Article 19 shall be deleted.

#### *Article 2*

This Regulation shall enter into force on 1 July 1992.

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

Done at Luxembourg, 20 June 1991.

*For the Council*

*The President*

R. GOEBBELS

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## COUNCIL REGULATION (EEC) No 1894/91

of 26 June 1991

## opening and providing for the administration of a Community tariff quota for heifers and cows, other than those intended for slaughter, of certain mountain breeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Whereas the European Economic Community undertook, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota of 20 000 head at a duty of 6 % for heifers and cows, other than those intended for slaughter, of certain mountain breeds; whereas, in an Exchange of Letters with Austria dated 21 July 1972, the Community undertook unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %; whereas, subsequently, this quota was increased unilaterally to 38 000 head; whereas according to the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Austria concerning agriculture of 14 July 1986, which was approved by Decision 86/555/EEC<sup>(1)</sup>, the volume of this tariff quota was raised to 42 600 head as from 1 July 1986; whereas the abovementioned tariff quota should therefore be opened for the period 1 July 1991 to 30 June 1992 at a duty of 4 % for a quantity of 42 600 head; whereas it is, however, necessary to envisage special provisions allowing for facilitated access by the Portuguese Republic to the said quota;

whereas a check should be carried out to ascertain that the imported animals have not been slaughtered within a certain period;

Whereas it is, in particular, necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas the necessary measures should be taken to ensure efficient administration of this tariff quota, taking into account the Community nature of the quota and special factors in the trade in these animals; whereas to this end the Commission should assign to the Member States on request the quantities needed to cover actual imports in accordance with an economically appropriate procedure to be determined;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quantities levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 July 1991 to 30 June 1992, the duty applicable to the import into the Community of the animals designated hereafter shall be suspended at the level and within the limits of the Community tariff quota indicated.

Order No	CN code (a)	Description	Quota volume	Quota duty (%)
09.0001	ex 0102 90 10 ex 0102 90 31 ex 0102 90 33	Cows and heifers other than those intended for slaughter, of the following mountain breeds: grey, brown, yellow and mottled Simmental breed and mottled Pintzgau breed	42 600 head	4

(a) Taric codes: 0102 90 10 \* 20 and 40,  
0102 90 31 \* 11, 19, 31 and 39,  
0102 90 33 \* 10 and 30.

2. Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

3. For the purposes of this Regulation, the animals referred to in paragraph 1 shall be considered not intended for slaughter if they are not slaughtered within four months of the date of the acceptance of the entry for release for free circulation.

Derogations may, however, be granted in the event of *force majeure* duly attested by a local authority certificate setting out the reasons for the slaughter.

## Article 2

1. The quota volume referred to in Article 1 (1) shall be further divided into two parts.

The first part, 85 % of the total, i.e. 36 210 head, shall be reserved for established importers who are able to furnish

(<sup>1</sup>) OJ No L 328, 22. 11. 1986, p. 57.

proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years.

With regard to Portugal, in the case of established importers, account shall be taken of animals referred to in Article 1 (1) in respect of which importers can prove, to the satisfaction of the competent authorities, that they were imported and that they were not slaughtered within four months following the date of the acceptance of the entry for release for free circulation.

The second part, of 15 %, i.e. 6 390 head, shall be reserved either for importers who undertake, when making an application, to keep the imported cattle in premises of which they have the use or for importers who have been conducting business in live bovine animals for a period of at least one year and are listed in a public register of the Member State or who can provide proof, recognized by the competent authority, of such conduct.

2. The 36 210 head shall be assigned to the various importers pro rata, in proportion to the scale of their previous imports over the three years under consideration or to the quantities applied for if they are less than previous imports while the 6 390 head shall be assigned to applicants pro rata, in proportion to the entitlement applied for by the importers. In the latter case :

- (a) applications for quantities greater than 50 head shall be automatically reduced to that number ;
- (b) applications which would give rise to a certificate of participation covering a quantity of less than five head shall not be taken into account ;
- (c) quantities which have not been assigned, owing to the minimum five head limitation shall be assigned by drawing lots (with a figure of five head).

3. Any quantities of one of the parts of the tariff quota referred to in paragraph 1 not applied for shall be automatically transferred to the other part.

### Article 3

1. Applications to import under each part of the tariff quota, accompanied, where appropriate, by proof of previous imports, shall be made to the competent authorities in the Member States, in accordance with the procedures laid down and the deadline set by those authorities, by means of the document of release for free circulation, which shall be cancelled by the said authorities after being submitted as proof.

These authorities shall transmit to the Commission, not later than 10 July 1991, the data thus collected, and in particular :

- the number of applicants and the number of head applied for by each category of importer,
- the average of previous imports furnished by each applicant in respect of the 36 210 head reserved for established importers.

2. The Commission shall notify the Member States, by 15 July 1991, of the quantities to be assigned to each applicant, in the form, where necessary, of a percentage of the amount originally applied for, or of that applicant's previous imports.

3. On the basis of the data referred to in paragraph 2, Member States shall issue applicants with certificates specifying the number of head to which they are entitled. The period of validity of the certificates may not go beyond 30 June 1982.

The entitlement certificates, a model of which is annexed to this Regulation, shall be issued upon provision of a security of ECU 20 per head, which shall be released once the certificates have been returned, complete with the customs stamps acknowledging the import of the animals, to the issuing authority.

An entitlement certificate shall not be transferable and shall entitle the bearer to benefit from the tariff quota only when made out in the same name as the entry for release for free circulation which accompanies it.

The rules laid down in Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1599/90<sup>(2)</sup>, for the release of the security for the import certificates or its conversion into revenue shall apply to the security referred to in the second subparagraph.

4. Quantities which have not been the subject of the issue of entitlement certificates by 31 March 1992 shall be finally reassigned under the procedure described in the foregoing paragraphs to importers who have applied for certificates in respect of their whole entitlements.

To this end, Member States shall notify the Commission by 10 April 1992 of the quantities remaining unused on 31 March 1992, and furnish the data specified in the second subparagraph of paragraph 1. The Commission shall set the new percentages for entitlements in each category and shall transmit them by not later than 15 April 1992 to the Member States, which shall then issue the entitlement certificates to the applicants under the conditions set out in paragraph 3, with a period of validity not extending beyond 30 June 1992.

### Article 4

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).

<sup>(1)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(2)</sup> OJ No L 151, 15. 6. 1990, p. 29.

2. They shall ensure importers equal and continuous access to the tariff quota in question.

*Article 5*

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

3. Depletion of the said quota shall be measured on the basis of imports submitted for customs clearance under cover of entries for release for free circulation.

*Article 6*

This Regulation shall enter into force on 1 July 1991.

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

Done at Luxembourg, 26 June 1991.

*For the Council*

*The President*

R. STEICHEN



<b>ENTITLEMENT CERTIFICATE No</b> <b>COMMUNITY TARIFF QUOTAS FOR</b> — Cows and heifers other than those intended for slaughter of certain mountain breeds — Bulls, cows and heifers other than those intended for slaughter of certain Alpine breeds							
1. Holder (Name, complete address and Member State)	2. Issuing authority						
NOTES A. This certificate is valid in all Member States of the Community. B. This certificate must be attached to the entry for release for free circulation, and the entry must itself be drawn up in the name of the holder of this certificate. C. The customs office concerned should write off the quantities released for free circulation and return this certificate to the holder or the holders representative. D. The holder must return this certificate to the issuing authority to obtain release of the guarantee.	3. This certificate is valid until and including <table border="1" style="display: inline-table; margin-left: 10px;"> <tr> <td style="width: 30px; text-align: center;">day</td> <td style="width: 30px; text-align: center;">month</td> <td style="width: 30px; text-align: center;">year</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table> <p style="margin-left: 20px;">Place and date of issue :</p> <p style="margin-left: 20px;">Signature and stamp of issuing authority :</p>	day	month	year			
day	month	year					
4. Description of animals	5. CN code						
	6. Number of head in figures						
7. Number of head in words							

8. WRITING OFF BY CUSTOMS OFFICES (in column 9, indicate in part 1 the quantity available, and in part 2 the quantity written off)			
9. Number of head in figures	10. Number of head in words for the quantity written off	11. Number and date of acceptance of the entry for release for free circulation	12. Name, Member State, signature and stamp of the customs office
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**COUNCIL REGULATION (EEC) No 1895/91**

of 26 June 1991

**opening and providing for the administration of a Community tariff quota for  
bulls, cows and heifers, other than those intended for slaughter, of certain Alpine  
breeds**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Whereas the European Economic Community undertook, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota of 5 000 head at a duty of 4 % for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds; whereas eligibility for such quota is subject to submission of the following documents:

- bulls: a pedigree certificate,
- female animals: a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed;

Whereas the abovementioned tariff quota should therefore be opened for the period 1 July 1991 to 30 June 1992 at a duty of 4 %; whereas it is, however, necessary to envisage special provisions allowing for facilitated access by the Portuguese Republic to the said quota; whereas a check should be carried out to ascertain that the imported animals have not been slaughtered within a certain period;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas the necessary measures should be taken to ensure efficient administration of this tariff quota, taking into account the Community nature of the quota and special factors in the trade in these animals; whereas to this end the Commission should assign to the Member States on request the quantities needed to cover actual imports in accordance with an economically appropriate procedure to be determined;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quantities levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 July 1991 to 30 June 1992, the duty applicable to the import into the Community of the animals designated hereafter shall be suspended at the level and within the limits of Community tariff quota indicated:

Order No	CN code (a)	Description	Quota volume	Quota duty (%)
09.0003	ex 0102 90 10 ex 0102 90 31 ex 0102 90 33 ex 0102 90 35	Bulls, cows and heifers, other than those intended for slaughter, of the following breeds: mottled Simmental breed and the Schwyz and Fribourg breeds	5 000 head	4

(a) Taric codes: 0102 90 10 \* 30, 40 and 50,  
0102 90 31 \* 21, 29, 31 and 39,  
0102 90 33 \* 20 and 30,  
0102 90 35 \* 21 and 29.

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

2. Eligibility for this tariff quota shall be subject to the submission of:

- in the case of bulls: a pedigree certificate,
- in the case of female animals: a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed.

3. For the purposes of this Regulation, the animals referred to in paragraph 1 shall be considered not intended for slaughter if they are not slaughtered within four months of the date of acceptance of the entry for free circulation.

Derogations may, however, be granted in the event of *force majeure* duly attested by a local authority certificate setting out the reasons for the slaughter.

### Article 2

1. The quota volume referred to in Article 1 (1) shall be further divided into two parts.

The first part, 85 % of the total, i.e. 4 250 head, shall be reserved for established importers who are able to furnish proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years.

With regard to Portugal, in the case of established importers, account shall be taken of animals referred to in Article 1 (1) in respect of which importers can prove, to the satisfaction of the competent authorities, that they were imported and that they were not slaughtered within four months following the date of the acceptance of the entry for release for free circulation.

The second part, of 15 %, i.e. 750 head, shall be reserved either for importers who undertake, when making an application, to keep the imported cattle in premises of which they have the use or for importers who have been conducting business in live bovine animals for a period of at least one year and are listed in a public register of the Member State or who can provide proof, recognized by the competent authority, of such conduct.

2. The 4 250 head shall be assigned to the various importers pro rata, in proportion to the scale of their previous imports over the three years under consideration, or to the quantities applied for if they are less than previous imports while the 750 head shall be assigned to applicants pro rata, in proportion to the entitlement applied for by the importers. In the latter case :

- (a) applications for quantities greater than 50 head shall be automatically reduced to that number ;
- (b) applications which would give rise to a certificate of participation covering a quantity of less than five head shall not be taken into account ;
- (c) quantities which have not been assigned, owing to the minimum five head limitation shall be assigned by drawing lots (with a figure of five head).

3. Any quantities of one of the parts of the tariff quota referred to in paragraph 1 not applied for shall be automatically transferred to the other part.

### Article 3

1. Applications to import under each part of the tariff quota, accompanied, where appropriate, by proof of previous imports, shall be made to the competent authorities in the Member States, in accordance with the procedures laid down and the deadline set by those authorities, by means of the document of release for free circulation, which shall be cancelled by the said authorities after being submitted as proof.

These authorities shall transmit to the Commission, not later than 10 July 1991, the data thus collected, and in particular :

- the number of applicants and the number of head applied for by each category of importer,
- the average of previous imports furnished by each applicant in respect of the 4 250 head reserved for established importers.

2. The Commission shall notify the Member States, by 15 July 1991, of the quantities to be assigned to each applicant, in the form, where necessary, of a percentage of the amount originally applied for, or of that applicant's previous imports.

3. On the basis of the data referred to in paragraph 2, Member States shall issue applicants with certificates specifying the number of head to which they are entitled. The period of validity of the certificates may not go beyond 30 June 1992.

The entitlement certificates, a model of which is annexed to this Regulation, shall be issued upon provision of a security of ECU 20 per head, which shall be released once the certificates have been returned, complete with the customs stamps acknowledging the import of the animals, to the issuing authority.

An entitlement certificate shall not be transferable and shall entitle the bearer to benefit from the tariff quota only when made out in the same as the entry for release for free circulation which accompanies it.

The rules laid down in Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1599/90<sup>(2)</sup>, for the release of the security for the import certificates or its conversion into revenue shall apply to the security referred to in the second subparagraph.

4. Quantities which have not been the subject of the issue of entitlement certificates by 31 March 1992 shall be finally reassigned under the procedure described in the foregoing paragraphs to importers who have applied for certificates in respect of their whole entitlements.

To this end, Member States shall notify the Commission by 10 April 1992 of the quantities remaining unused on 31 March 1992, and furnish the data specified in the second subparagraph of paragraph 1. The Commission shall set the new percentages for entitlements in each category and shall transmit them by not later than 15 April 1992 to the Member States, which shall then issue

<sup>(1)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(2)</sup> OJ No L 151, 15. 6. 1990, p. 29.

the entitlement certificates to the applicants under the conditions set out in paragraph 3, with a period of validity not extending beyond 30 June 1992.

*Article 4*

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).
2. They shall ensure importers equal and continuous access to the tariff quota in question.

3. Depletion of the said quota shall be measured on the basis of imports submitted for customs clearance under cover of entries for release for free circulation.

*Article 5*

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

*Article 6*

This Regulation shall enter into force on 1 July 1991.

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

Done at Luxembourg, 26 June 1991.

*For the Council*

*The President*

R. STEICHEN



<b>ENTITLEMENT CERTIFICATE No</b> <b>COMMUNITY TARIFF QUOTAS FOR</b> — Cows and heifers other than those intended for slaughter of certain mountain breeds — Bulls, cows and heifers other than those intended for slaughter of certain Alpine breeds				
1. Holder (Name, complete address and Member State)	2. Issuing authority			
NOTES A. This certificate is valid in all Member States of the Community. B. This certificate must be attached to the entry for release for free circulation, and the entry must itself be drawn up in the name of the holder of this certificate. C. The customs office concerned should write off the quantities released for free circulation and return this certificate to the holder or the holders representative. D. The holder must return this certificate to the issuing authority to obtain release of the guarantee.	3. This certificate is valid until and including <table border="1" style="display: inline-table; border-collapse: collapse; margin-left: 10px;"> <tr> <td style="width: 30px; text-align: center;">day</td> <td style="width: 30px; text-align: center;">month</td> <td style="width: 30px; text-align: center;">year</td> </tr> </table>  Place and date of issue :   Signature and stamp of issuing authority :	day	month	year
day	month	year		
4. Description of animals	5. CN code			
	6. Number of head in figures			
7. Number of head in words				

8. WRITING OFF BY CUSTOMS OFFICES (in column 9, indicate in part 1 the quantity available, and in part 2 the quantity written off)			
9. Number of head in figures	10. Number of head in words for the quantity written off	11. Number and date of acceptance of the entry for release for free circulation	12. Name, Member State, signature and stamp of the customs office
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## COMMISSION REGULATION (EEC) No 1896/91

of 28 June 1991

extending Regulations (EEC) No 3886/87, and (EEC) No 3665/88 and (EEC) No 3766/89 fixing, in respect of 1987, 1988 and 1989 crops, export refunds for raw tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco<sup>(1)</sup>, as last amended by Regulation (EEC) No 1737/91<sup>(2)</sup>, and in particular the first sentence of the third subparagraph of Article 9 (2) thereof,

Whereas export refunds were fixed in respect of certain varieties of tobacco from the 1987, 1988 and 1989 crops by Commission Regulations (EEC) No 3886/87<sup>(3)</sup>, (EEC) No 3665/88<sup>(4)</sup> and (EEC) No 3766/89<sup>(5)</sup> respectively, as last amended by Regulation (EEC) No 1778/90<sup>(6)</sup>;

Whereas the final date for granting those refunds was set at 30 June 1991; whereas, in respect of certain varieties of that tobacco, export possibilities after that date have presented themselves; whereas it is advisable to grant refunds in respect of the varieties in question from the 1987, 1988 and 1989 harvests, in order to enable those exports to be carried out;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In Article 2 of Regulation (EEC) No 3886/87, '30 June 1991' is hereby replaced by '31 December 1991'.
2. In Article 2 of Regulation (EEC) No 3665/88, '30 June 1991' is hereby replaced by '31 December 1991'.
3. In Article 2 of Regulation (EEC) No 3766/88, '30 June 1991' is hereby replaced by '31 December 1991'.

*Article 2*

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(2)</sup> OJ No L 163, 26. 6. 1991.

<sup>(3)</sup> OJ No L 365, 24. 12. 1987, p. 35.

<sup>(4)</sup> OJ No L 318, 25. 11. 1988, p. 19.

<sup>(5)</sup> OJ No L 365, 15. 12. 1989, p. 28.

<sup>(6)</sup> OJ No L 163, 29. 6. 1990, p. 16.

**COMMISSION REGULATION (EEC) No 1897/91**  
**of 28 June 1991**  
**fixing the amount of the subsidy on oil seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85<sup>(3)</sup> fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 1842/91<sup>(4)</sup>,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1991/92 marketing year were fixed by Council Regulations (EEC) No 1722/91<sup>(7)</sup> and (EEC) No 1723/91<sup>(8)</sup>;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed by Regulation (EEC) No 1722/91 for the 1991/92 marketing year;

Whereas the abatement of the subsidy for colza and rape seed which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has been fixed by Commission Regulation (EEC) No 2509/90<sup>(9)</sup>;

Whereas the abatement of the subsidy for sunflower seed which arise from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) 2833/90<sup>(10)</sup>;

Whereas, owing to the lack of an adjustment in the rate of aid colza, rape seed and sunflower seed resulting from the maximum guaranteed quantity arrangements for the 1991/92 marketing year, the rate of the aid for this marketing year has only been able to be calculated provisionally on the basis of the abatement applicable for the 1990/91 marketing year; whereas this amount should therefore only be applied provisionally and should be confirmed or replaced once the prices and related measures and the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year are known;

Whereas Article 27a(3) of Regulation No 136/66/EEC provides that the adjustment of the amount of aid for rapeseed produced in Spain for the 1991/92 marketing year shall be fixed so that the adjusted target price is the same in Spain as in the Community as constituted at 31 December 1985;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point<sup>(11)</sup>, as last amended by Regulation (EEC) No 1983/82<sup>(12)</sup>, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 172, 1. 7. 1991, p. 53.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 11.

<sup>(7)</sup> OJ No L 162, 26. 6. 1991, p. 31.

<sup>(8)</sup> OJ No L 162, 26. 6. 1991, p. 33.

<sup>(9)</sup> OJ No L 237, 1. 9. 1990, p. 7.

<sup>(10)</sup> OJ No L 268, 29. 9. 1990, p. 86.

<sup>(11)</sup> OJ No 111, 10. 6. 1967, p. 2196/67.

<sup>(12)</sup> OJ No L 215, 23. 7. 1982, p. 6.

that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Regulation No 225/67/EEC provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded;

Whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by ECU 0,242;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should

be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds<sup>(1)</sup>, as last amended by Regulation (EEC) No 1321/90<sup>(2)</sup>, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds<sup>(3)</sup>, as last amended by Regulation (EEC) No 1905/91<sup>(4)</sup>, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

<sup>(1)</sup> OJ No L 163, 22. 6. 1983, p. 44.

<sup>(2)</sup> OJ No L 132, 23. 5. 1990, p. 15.

<sup>(3)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(4)</sup> See page 43 of this Official Journal.

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be adjusted as provided for in Council Regulation (EEC) No 478/86<sup>(1)</sup>; whereas this aid is, for seed harvested in these Member States, to be determined in line with the provisions of Articles 95 (2) and (3) and 293 (2) and (3) of the Act of Accession;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ecus resulting from the calculation referred to above plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84<sup>(2)</sup>, as last amended by Regulation (EEC) No 1539/90<sup>(3)</sup>, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price less percentage referred to in Article 5, paragraph 1 of the said regulation or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate multiplied by the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85<sup>(4)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(5)</sup>;

(b) for Member States other than those referred to in (a), the difference between:

- the agricultural conversion rate, and
- the average rate of the ecu as published in the C Series of the *Official Journal of the European Communities* during a period to be determined multiplied by the factor referred to in the second indent of point (a);

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ecus and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation; whereas, pursuant to the same Article, the spot and forward exchange rates for the ecu in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annexes hereto.
2. However, the amount of the aid for the 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 1 July 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

#### Article 2

This Regulation shall enter into force on 1 July 1991.

<sup>(1)</sup> OJ No L 53, 1. 3. 1986, p. 55.

<sup>(2)</sup> OJ No L 170, 29. 6. 1984, p. 41.

<sup>(3)</sup> OJ No L 145, 8. 6. 1990, p. 20.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(5)</sup> 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, 28 June 1991.

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

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## ANNEX I

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

(amounts per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	13,530	13,923	13,008	13,280	12,861	13,039
— Portugal	20,540	20,933	20,018	20,290	19,871	20,049
— Other Member States	13,570	13,963	13,048	13,320	12,901	13,079
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	31,95	32,87	30,72	31,36	30,37	30,79
— Netherlands (Fl)	36,00	37,04	34,61	35,33	34,22	34,69
— BLEU (Bfrs/Lfrs)	658,91	677,99	633,56	646,77	626,42	635,07
— France (FF)	107,14	110,25	103,02	105,17	101,86	103,27
— Denmark (Dkr)	121,86	125,39	117,17	119,61	115,85	117,45
— Ireland (£ Irl)	11,925	12,270	11,466	11,705	11,337	11,494
— United Kingdom (£)	10,662	10,978	10,243	10,462	10,124	10,265
— Italy (Lit)	23 903	24 595	22 983	23 463	22 724	22 970
— Greece (Dr)	3 329,52	3 418,62	3 139,42	3 166,16	3 053,88	2 968,14
— Spain (Pta)	2 101,52	2 159,53	2 024,46	2 064,57	2 003,50	2 016,74
— Portugal (Esc)	4 343,29	4 424,05	4 229,85	4 274,94	4 188,98	4 193,33

## ANNEX II

## Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	14,780	15,173	14,258	14,530	14,111	14,289
— Portugal	21,790	22,183	21,268	21,540	21,121	21,299
— Other Member States	14,820	15,213	14,298	14,570	14,151	14,329
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	34,89	35,81	33,66	34,30	33,31	33,73
— Netherlands (Fl)	39,31	40,35	37,93	38,65	37,54	38,01
— BLEU (Bfrs/Lfrs)	719,60	738,69	694,26	707,47	687,12	695,76
— France (FF)	117,01	120,12	112,89	115,04	111,73	113,14
— Denmark (Dkr)	133,08	136,61	128,39	130,84	127,07	128,67
— Ireland (£ Irl)	13,023	13,369	12,565	12,804	12,436	12,592
— United Kingdom (£)	11,656	11,972	11,238	11,456	11,118	11,259
— Italy (Lit)	26 105	26 797	25 185	25 664	24 926	25 171
— Greece (Dr)	3 644,67	3 733,77	3 454,57	3 481,31	3 369,03	3 283,29
— Spain (Pta)	2 290,05	2 348,06	2 213,00	2 253,11	2 192,04	2 205,28
— Portugal (Esc)	4 604,14	4 684,90	4 490,69	4 535,78	4 449,83	4 454,18

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

	Current 7	1st period 8	2nd period 9 <sup>(1)</sup>	3rd period 10 <sup>(1)</sup>	4th period 11 <sup>(1)</sup>
1. Gross aids (ECU):					
— Spain	25,561	25,079	24,408	24,483	24,814
— Portugal	34,585	32,276	31,618	31,691	32,022
— Other Member States	22,345	20,036	19,378	19,451	19,782
2. Final aids:					
(a) Seed harvested and processed in <sup>(2)</sup> :					
— Federal Republic of Germany (DM)	52,60	47,17	45,62	45,79	46,57
— Netherlands (Fl)	59,27	53,15	51,40	51,59	52,47
— BLEU (Bfrs/Lfrs)	1 084,99	972,87	940,92	944,47	960,54
— France (FF)	176,43	158,20	153,00	153,58	156,19
— Denmark (Dkr)	200,66	179,92	174,01	174,67	177,64
— Ireland (£ Irl)	19,636	17,607	17,029	17,093	17,384
— United Kingdom (£)	16,969	15,803	15,275	15,334	15,597
— Italy (Lit)	39 360	35 292	34 133	34 262	34 845
— Greece (Dr)	4 309,53	4 945,64	4 731,54	4 704,98	4 788,87
— Portugal (Esc)	7 274,57	6 791,27	6 649,94	6 654,06	6 723,04
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 012,42	3 843,71	3 744,78	3 755,71	3 805,50
— in another Member State (Pta)	4 083,80	3 912,68	3 815,56	3 826,29	3 876,08

(<sup>1</sup>) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

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

## ANNEX IV

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

(value of ECU 1)

	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
DM	2,050870	2,049060	2,047520	2,046090	2,046090	2,042660
Fl	2,312590	2,311470	2,310100	2,308680	2,308680	2,305060
Bfrs/Lfrs	42,272000	42,237200	42,209000	42,181100	42,181100	42,100000
FF	6,970740	6,970440	6,969170	6,968570	6,968570	6,963910
Dkr	7,933430	7,929430	7,925630	7,922230	7,922230	7,914390
£Irl	0,767991	0,768086	0,767994	0,768038	0,768038	0,767496
£	0,700527	0,701328	0,701998	0,702431	0,702431	0,703277
Lit	1 527,04	1 528,53	1 530,06	1 531,94	1 531,94	1 537,66
Dr	224,58200	226,27800	228,27400	230,32000	230,32000	236,15100
Esc	179,70600	180,35700	180,89200	181,40700	181,40700	182,90400
Pta	129,03700	129,28100	129,49900	129,68400	129,68400	130,27900

## COMMISSION REGULATION (EEC) No 1898/91

of 28 June 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins<sup>(3)</sup>, as last amended by Regulation (EEC) No 1906/91<sup>(4)</sup>, and in particular Article 26a (7) thereof,

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

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

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1991/92 marketing year was fixed by Council Regulation (EEC) No 1625/91<sup>(7)</sup>; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the

aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1626/91<sup>(8)</sup>;

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

Whereas, owing to the lack of the adjustment in the rate of aid resulting from the maximum guaranteed quantity arrangements for the 1991/92 marketing year, the amount of the aid for this marketing year has only been able to be calculated provisionally on the basis of the abatement applicable for the 1990/91 marketing year; whereas this amount should, therefore, only be applied provisionally and should be confirmed or replaced once the consequences of the maximum guaranteed quantity arrangements are known;

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

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82<sup>(10)</sup>, as last amended by Regulation (EEC) No 1238/87<sup>(11)</sup>, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86<sup>(12)</sup> delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 10.

<sup>(3)</sup> OJ No L 342, 19. 12. 1985, p. 1.

<sup>(4)</sup> See page 46 of this Official Journal.

<sup>(5)</sup> OJ No L 219, 28. 7. 1982, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 11.

<sup>(7)</sup> OJ No L 150, 15. 6. 1991, p. 11.

<sup>(8)</sup> OJ No L 150, 15. 6. 1991, p. 13.

<sup>(9)</sup> OJ No L 237, 1. 9. 1990, p. 8.

<sup>(10)</sup> OJ No L 219, 28. 7. 1982, p. 36.

<sup>(11)</sup> OJ No L 117, 5. 5. 1987, p. 9.

<sup>(12)</sup> OJ No L 133, 21. 5. 1986, p. 21.



- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(2)</sup>,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91 <sup>(3)</sup>; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(3)</sup> See page 29 of this Official Journal.

## ANNEX I

## Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 7 (')	1st period 8 (')	2nd period 9 (')	3rd period 10 (')	4th period 11 (')	5th period 12 (')	6th period 1 (')
Peas used :							
— in Spain	5,986	5,986	6,144	6,302	6,460	6,618	6,776
— in Portugal	6,003	6,003	6,161	6,319	6,477	6,635	6,793
— in another Member State	6,130	6,130	6,288	6,446	6,604	6,762	6,920
Field beans used :							
— in Spain	6,130	6,130	6,288	6,446	6,604	6,762	6,920
— in Portugal	6,003	6,003	6,161	6,319	6,477	6,635	6,793
— in another Member State	6,130	6,130	6,288	6,446	6,604	6,762	6,920

Products used in animal feed :

(ECU per 100 kg)

	Current 7 (')	1st period 8 (')	2nd period 9 (')	3rd period 10 (')	4th period 11 (')	5th period 12 (') 1 (')	6th period
A. Peas used :							
— in Spain	7,280	7,246	7,299	7,214	7,371	7,529	7,304
— in Portugal	7,334	7,300	7,354	7,271	7,428	7,586	7,364
— in another Member State	7,334	7,300	7,354	7,271	7,428	7,586	7,364
B. Field beans used :							
— in Spain	7,280	7,246	7,299	7,214	7,371	7,529	7,304
— in Portugal	7,334	7,300	7,354	7,271	7,428	7,586	7,364
— in another Member State	7,334	7,300	7,354	7,271	7,428	7,586	7,364
C. Sweet lupins harvested in Spain and used :							
— in Spain	10,052	10,006	9,867	9,543	9,543	9,543	9,034
— in Portugal	10,123	10,078	9,940	9,619	9,619	9,619	9,114
— in another Member State	10,123	10,078	9,940	9,619	9,619	9,619	9,114
D. Sweet lupins harvested in another Member State and used :							
— in Spain	10,052	10,006	9,867	9,543	9,543	9,543	9,034
— in Portugal	10,123	10,078	9,940	9,619	9,619	9,619	9,114
— in another Member State	10,123	10,078	9,940	9,619	9,619	9,619	9,114







## ANNEX VIII

## Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	0	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000

## ANNEX IX

## Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	224,416	128,903	6,89509	0,767417	1 538,24	2,31643	179,459	0,700718

(<sup>1</sup>) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

## COMMISSION REGULATION (EEC) No 1899/91

of 28 June 1991

fixing the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins<sup>(1)</sup>, as last amended by Regulation (EEC) No 1624/91<sup>(2)</sup>, and in particular Article 3 (6) (b) thereof,Having regard to Council Regulation (EEC) No 2036/82 of 19 July 1982 adopting general rules concerning special measures for peas, field beans and sweet lupins<sup>(3)</sup>, as last amended by Regulation (EEC) No 2206/90<sup>(4)</sup>, and in particular Article 2 (1) thereof,Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins<sup>(5)</sup>, as last amended by Regulation (EEC) No 1906/91<sup>(6)</sup>, and in particular Article 26a (7) thereof,Whereas Council Regulation (EEC) No 1625/91<sup>(7)</sup> fixed the guide price for peas and field beans for the 1991/92 marketing year;Whereas, in accordance with Article 2a of Regulation (EEC) No 1431/82, the guide price is increased monthly as from the beginning of the third month of the marketing year; whereas Council Regulation (EEC) No 1626/91<sup>(8)</sup> fixed the amount of these monthly increases;

Whereas under Regulation (EEC) No 2036/82 the world market price for peas and field beans, as referred to in Article 3 (2) of Council Regulation (EEC) No 1431/82, is to be determined on the basis of offers made on the world market, disregarding those which cannot be considered representative of actual market trends; whereas in cases

where no offer can be used for determining the world market price, this price is determined from prices recorded on the markets of the principal exporting countries; whereas in cases where no offer either on the world market or on those of the principal exporting countries can be used for determining the world market price this price is fixed at a level equal to the guide price for the products in question;

Whereas, under Commission Regulation (EEC) No 2049/82<sup>(9)</sup>, as last amended by Regulation (EEC) No 1238/87<sup>(10)</sup>, and under Regulation (EEC) No 2036/82 the average world market price is to be established per 100 kilograms of products in bulk, delivered at Rotterdam, of sound quality; whereas, for the purpose of establishing this price, only the most favourable offers to deliveries closest in distance, excluding those relating to products being transported by ship, are used for offers and prices that do not comply with the conditions laid down above, the necessary adjustments must be made, and in particular those referred to in Article 5 of Regulation (EEC) No 2049/82;

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 % , a rate of exchange based on their central rate, multiplied by the correcting factor referred to in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(11)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(12)</sup>;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas in cases where aid is fixed in advance its amount is adjusted as specified in Article 6 (3) of Regulation (EEC) No 2036/82;

Whereas pursuant to Articles 121 (3) and 307 (3) of the Act of Accession the aid granted on products harvested and processed in either of these Member States is to be

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 10.<sup>(3)</sup> OJ No L 219, 28. 7. 1982, p. 1.<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 11.<sup>(5)</sup> OJ No L 342, 19. 12. 1985, p. 1.<sup>(6)</sup> See page 46 of this Official Journal.<sup>(7)</sup> OJ No L 150, 15. 6. 1991, p. 11.<sup>(8)</sup> OJ No L 150, 15. 6. 1991, p. 13.<sup>(9)</sup> OJ No L 219, 28. 7. 1982, p. 36.<sup>(10)</sup> OJ No L 117, 5. 5. 1987, p. 9.<sup>(11)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(12)</sup> OJ No L 201, 31. 7. 1990, p. 9.

reduced by the customs duties charged by the Member State on peas and field beans imported from third countries;

Whereas, pursuant to Article 26 a of Regulation (EEC) No 3540/85, the gross aid expressed in ECU that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State;

Whereas the aid must be fixed before the beginning of each marketing year and may be adjusted if the world market price alters markedly;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has been fixed by Commission Regulation (EEC) No 2510/90<sup>(1)</sup>;

Whereas, owing to the lack of the adjustment in the rate of aid resulting from the maximum guaranteed quantity arrangements for the 1991/92 marketing year, the rate of the aid fixed in advance for this marketing year has only been able to be calculated provisionally on the basis of the Commission's price proposals to the Council; whereas this amount should therefore only be applied provisionally and should be confirmed or replaced once the prices and related measures and the consequences of

the maximum guaranteed quantity arrangements for the 1991/92 marketing year are known;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The world market price as specified in Article 2 of Regulation (EEC) No 2036/82 shall be 17,00 ECU/100 kg.

*Article 2*

1. The amount of the gross aid provided for in Article 3 (2) of Regulation (EEC) No 1431/82 is indicated in Annex I.
2. The amount of final aid provided for in Article 3 (2) of Regulation (EEC) No 1431/82 is indicated in Annex II.
3. However, the amount of aid for peas and field beans shall be confirmed or replaced with effect from 1 July 1991 to take account of the consequences of the maximum guaranteed quantities system for the 1991/92 marketing year.

*Article 3*

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 237, 1. 9. 1990, p. 8.



## ANNEX I

## Gross aid in ECU per 100 kilograms

## Products intended for human consumption

	Current 7 <sup>(1)</sup>	1st period 8 <sup>(1)</sup>	2nd period 9 <sup>(1)</sup>	3rd period 10 <sup>(1)</sup>	4th period 11 <sup>(1)</sup>	5th period 12 <sup>(1)</sup>	6th period 1 <sup>(1)</sup>
Peas used:							
— in Spain	5,986	5,986	6,144	6,302	6,460	6,618	6,776
— in Portugal	6,003	6,003	6,161	6,319	6,477	6,635	6,793
— in another Member State	6,130	6,130	6,288	6,446	6,604	6,762	6,920
Field beans used:							
— in Spain	6,130	6,130	6,288	6,446	6,604	6,762	6,920
— in Portugal	6,003	6,003	6,161	6,319	6,477	6,635	6,793
— in another Member State	6,130	6,130	6,288	6,446	6,604	6,762	6,920

## ANNEX II

## Final aid in national currency per 100 kilograms

## Products intended for human consumption

	Current 7 <sup>(1)</sup>	1st period 8 <sup>(1)</sup>	2nd period 9 <sup>(1)</sup>	3rd period 10 <sup>(1)</sup>	4th period 11 <sup>(1)</sup>	5th period 12 <sup>(1)</sup>	6th period 1 <sup>(1)</sup>
Products harvest harvested							
— BLEU (Bfrs/Lfrs)	297,65	297,65	305,32	312,99	320,67	328,34	336,01
— Denmark (Dkr)	55,05	55,05	56,47	57,88	59,30	60,72	62,14
— Federal Republic of Germany (DM)	14,43	14,43	14,80	15,18	15,55	15,92	16,29
— Greece (Dr)	1 545,50	1 545,50	1 585,34	1 625,17	1 665,01	1 704,84	1 744,68
— Spain (Pta)	924,58	924,58	948,41	972,24	996,07	1 019,90	1 043,73
— France (FF)	48,40	48,40	49,65	50,90	52,14	53,39	54,64
— Ireland (£ Irl)	5,387	5,387	5,526	5,665	5,803	5,942	6,081
— Italy (Lit)	10 798	10 798	11 076	11 354	11 633	11 911	12 189
— Netherlands (Fl)	16,26	16,26	16,68	17,10	17,52	17,94	18,36
— Portugal (Esc)	1 279,18	1 279,18	1 312,15	1 345,13	1 378,10	1 411,07	1 444,04
— United Kingdom (£)	4,876	4,876	5,002	5,127	5,253	5,379	5,504

## Amounts to be deducted in the case of:

- peas used in Spain (Pta) 21,72
- peas and field beans used in Portugal (Esc) 26,50

## ANNEX III

## Exchange rate of the ECU to be used

	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
In national currency, 1 ECU =	42,4032	7,84195	2,05586	224,416	128,903	6,89509	0,767417	1 538,24	2,31643	179,459	0,700718

(<sup>1</sup>) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

## COMMISSION REGULATION (EEC) No 1900/91

of 28 June 1991

fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

<sup>(1)</sup> OJ No L 142, 30. 5. 1978, p. 1.

<sup>(2)</sup> OJ No L 218, 28. 7. 1989, p. 1.

<sup>(3)</sup> OJ No L 150, 15. 6. 1991, p. 15.

<sup>(4)</sup> OJ No L 171, 28. 6. 1978, p. 1.

<sup>(5)</sup> OJ No L 118, 29. 4. 1989, p. 1.

<sup>(6)</sup> OJ No L 179, 1. 7. 1978, p. 10.

<sup>(7)</sup> OJ No L 162, 28. 6. 1990, p. 21.

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

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

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

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing ;

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

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 201, 31. 7. 1990, p. 9.

## ANNEX

## to the Commission Regulation of 28 June 1991 fixing the rate of the aid for dried fodder

Aid applicable from 1st July 1991 to dried fodder :

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates			Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States
Aid (1)	69,726	69,043	69,726	36,103	36,786

Aid in case of advance fixing for the month of :

(ECU/tonne)

August 1991 (1)	69,758	69,076	69,758	36,136	36,818
September 1991 (1)	68,684	67,994	68,684	35,054	35,744
October 1991 (2)	76,860	76,231	76,860	43,291	43,920
November 1991 (2)	76,446	75,814	76,446	42,874	43,506
December 1991 (2)	76,446	75,814	76,446	42,874	43,506
January 1992 (2)	0,000	0,000	0,000	0,000	0,000
February 1992 (2)	0,000	0,000	0,000	0,000	0,000
March 1992 (2)	0,000	0,000	0,000	0,000	0,000

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

**COMMISSION REGULATION (EEC) No 1901/91**  
**of 28 June 1991**  
**fixing the export refunds on oil seeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds<sup>(3)</sup>, as last amended by the Act of Accession of Greece, and in particular the first sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture<sup>(4)</sup>, as last amended by Regulation (EEC) No 1842/91<sup>(5)</sup>,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed<sup>(6)</sup>, as last amended by Regulation (EEC) No 2206/90<sup>(7)</sup>, and in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats<sup>(8)</sup>, as last amended by Regulation (EEC) No 557/91<sup>(9)</sup>, and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1991/92 marketing year were fixed by Regulations (EEC) No 1722/91<sup>(10)</sup> and (EEC) No 1723/91<sup>(11)</sup>;

Whereas, owing to the lack of an adjustment in the rate of refund for colza and rape resulting from the maximum

guaranteed quantity arrangements for the 1991/92 marketing year, the rate of the refund for this marketing year has only been able to be calculated provisionally on the basis of the abatement applicable for the 1990/91 marketing year; whereas this amount should therefore only be applied provisionally and should be confirmed or replaced once the consequences of the maximum guaranteed quantity arrangements are known;

Whereas Article 27a (3) of Regulation No 136/66/EEC provides that the adjustment of the amount of aid for rapeseed produced in Spain for the 1991/92 marketing year shall be fixed so that the adjusted target price is the same in Spain as in the Community as constituted at 31 December 1985;

Whereas Article 28 of Regulation No 136/66/EEC provides that a refund may be granted on exports to third countries of oil seeds harvested within the Community; whereas the amount of this refund may not exceed the difference between prices within the Community and prices on the world market where the former are higher than the latter; whereas Article 21 of Regulation No 136/66/EEC provides that, at present, Article 28 of that Regulation applies only to colza, rape and sunflower seeds;

Whereas the refund for colza and rape seeds produced in Spain or Portugal is adjusted in accordance with Council Regulation (EEC) No 478/86<sup>(12)</sup>;

Whereas Article 3 of Regulation No 142/67/EEC provides that when the refund is being calculated account must be taken of prices ruling on the various Community markets which are representative from the point of view of processing and exportation; the most favourable quotations recorded on the various markets of importing third countries and costs incurred in placing the goods on the world market; whereas, when the amount of the refund is being fixed, account must also be taken of the level of market prices within the Community for the oil seeds referred to in Article 21 of Regulation No 136/66/EEC and the future trend of these prices; whereas, furthermore, account should be taken of the economic aspect of the proposed exports and the situation in the Community regarding the supply of and demand for these seeds;

Whereas the abatement of the subsidy for colza and rape seed which arises from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) No 2509/90<sup>(13)</sup>;

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No 125, 26. 6. 1967, p. 2461/67.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(5)</sup> OJ No L 172, 1. 7. 1991, p. 53.

<sup>(6)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(7)</sup> OJ No L 201, 31. 7. 1990, p. 11.

<sup>(8)</sup> OJ No L 213, 11. 8. 1975, p. 1.

<sup>(9)</sup> OJ No L 62, 8. 3. 1991, p. 23.

<sup>(10)</sup> OJ No L 162, 26. 6. 1991, p. 31.

<sup>(11)</sup> OJ No L 162, 26. 6. 1991, p. 33.

<sup>(12)</sup> OJ No L 53, 1. 3. 1986, p. 55.

<sup>(13)</sup> OJ No L 237, 1. 9. 1990, p. 7.

Whereas Article 1 of Commission Regulation (EEC) No 651/71 of 29 March 1971 on certain detailed rules for the application of export refunds on oil seeds<sup>(1)</sup>, as last amended by Regulation (EEC) No 1815/84<sup>(2)</sup>, provides that the amount of the refund must be calculated on the basis of the weight of exported seeds; whereas this weight must be adjusted to take account of any differences between the percentages of moisture and impurities found to exist and those used to define the standard quality for which the target price is fixed; whereas, when this adjustment is being made, the weight of the exported seeds must be increased by the amount of the difference between the actual moisture and impurities content and that used to define the standard quality if the former is lower than the latter; whereas, if the opposite applies, the weight of the exported seeds must be reduced by the same amount;

Whereas the standard quality referred to above was defined in Article 2 of Council Regulation (EEC) No 1102/84<sup>(3)</sup>;

Whereas Article 2 of Regulation No 142/67/EEC provides that the refund may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 4 of Regulation (EEC) No 651/71 provides for the publication of the amount of the final refund obtained from the conversion into each of the national currencies of the amount of the refund in ecus plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84<sup>(4)</sup>, as last amended by Regulation (EEC) No 1539/90<sup>(5)</sup>, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price reduced by 7,5 % or the refund of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate of the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85<sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(7)</sup>.

(b) In the case of Member States other than those referred to in (a), the difference between:

- the agricultural conversion rate, and
- the average rate of the ecu as published in the C Series of the *Official Journal of the European Communities* during a period to be determined, multiplied by the factor referred to in the second indent of (a);

Whereas pursuant to Article 2 (2) of Regulation (EEC) No 1569/72 forward differential amounts are to be determined where the forward exchange rate for one or more currencies differs from the spot rate by at least a given percentage; whereas this percentage has been fixed at 0,5 by Regulation (EEC) No 1813/84;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas it follows from applying these provisions to the current situation of the oil seeds market and to the rates or prices of these products that, pursuant to Article 4 of Regulation (EEC) No 651/71, the amount of the refund in ecus and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed in accordance with the Annex to this Regulation; whereas it is not necessary to fix a refund for sunflower seed;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants; whereas in the interests of sound market management a reduction should be made;

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

HAS ADOPTED THIS REGULATION:

#### Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 shall be as set out in the Annex hereto.

2. There shall be no refund on sunflower seed.

<sup>(1)</sup> OJ No L 75, 30. 3. 1971, p. 16.

<sup>(2)</sup> OJ No L 170, 29. 6. 1984, p. 46.

<sup>(3)</sup> OJ No L 113, 28. 4. 1984, p. 8.

<sup>(4)</sup> OJ No L 170, 29. 6. 1984, p. 41.

<sup>(5)</sup> OJ No L 145, 8. 6. 1990, p. 20.

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

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

3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

replaced with effect from 1 July 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

4. However, the amount of the refund for the 1991/92 marketing year for colza and rape shall be confirmed or

*Article 2*  
This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*ANNEX*

to the Commission Regulation of 28 June 1991 fixing the export refunds on oil seeds

*(amounts per 100 kilograms)*

	Current 7 <sup>(1)</sup>	1st period 8 <sup>(1)</sup>	2nd period 9	3rd period 10	4th period 11	5th period 12
1. Gross refunds (ECU):						
— Spain	4,000	4,000	—	—	—	—
— Portugal	10,970	10,970	—	—	—	—
— other Member States	4,000	4,000	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	9,42	9,42	—	—	—	—
— Netherlands (Fl)	10,61	10,61	—	—	—	—
— BLEU (Bfrs/Lfrs)	194,23	194,23	—	—	—	—
— France (FF)	31,58	31,58	—	—	—	—
— Denmark (Dkr)	35,92	35,92	—	—	—	—
— Ireland (£ Irl)	3,515	3,515	—	—	—	—
— United Kingdom (£)	2,983	2,983	—	—	—	—
— Italy (Lit)	7 046	7 046	—	—	—	—
— Greece (Dr)	870,21	851,91	—	—	—	—
— Spain (Pta)	694,81	694,81	—	—	—	—
— Portugal (Esc)	2 376,66	2 376,66	—	—	—	—

<sup>(1)</sup> Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

## COMMISSION REGULATION (EEC) No 1902/91

of 28 June 1991

fixing countervailing charges on seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971<sup>(1)</sup> on the common organization of the market in seeds<sup>(2)</sup>, as last amended by Regulation (EEC) No 1239/89<sup>(3)</sup>, and in particular Article 6 (5) thereof,

Whereas Article 6 (3) of Regulation (EEC) No 2358/71 provides that where the free-at-frontier offer price, plus customs duties, for a type of hybrid maize and hybrid sorghum for sowing and coming from a non-member country, is lower than the corresponding reference price, a countervailing charge on hybrid maize and hybrid sorghum shall be levied on imports of the hybrid from that country, subject to obligations resulting from binding under GATT; whereas the countervailing charge is equal to the difference between the reference price and the free-at-frontier price plus customs duties;

Whereas the reference prices for the 1991/1992 marketing year for hybrid maize and hybrid sorghum for sowing were fixed in Commission Regulation (EEC) No 1879/91<sup>(4)</sup>;

Whereas the free-at-frontier offer prices for each country of provenance are determined using all available relevant information; whereas such relevant information is defined in Article 1 (1), (2) and (3) of Commission Regulation (EEC) No 1665/72<sup>(5)</sup>, amended by Regulation (EEC) No 2811/86<sup>(6)</sup>; whereas Article 3 of the same Regulation provides that the free-at-frontier offer prices for each country of provenance shall be determined from the most favourable purchasing opportunities for the products in question calculated in

accordance with Articles 1 and 2 of the Regulation; whereas information on offers which have no economic effect on the market in particular because of the insignificant quantities for which they are made are to be disregarded for the purpose of calculating these prices;

Whereas, pursuant to Article 2 of Regulation (EEC) No 1665/72, an adjustment must be made in the case of price information relating to a stage other than free-at-Community-frontier; whereas, pursuant to Article 4 (2) of that Regulation, the countervailing charge must be amended where a significant variation in the free-at-frontier offer price is recorded;

Whereas, as a result of the application of the aforementioned provisions to the information currently available to the Commission, the countervailing charge in respect of certain types of hybrid is to be fixed at the amounts indicated in the Annex to this Regulation;

Whereas, consequently, Commission Regulation (EEC) No 1850/90<sup>(6)</sup>, as last amended by Regulation (EEC) No 778/91<sup>(7)</sup>, which fixed the countervailing charges for the preceding period, should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The countervailing charges on seeds are fixed as shown in the Annexes hereto.

*Article 2*

Regulation (EEC) No 1850/90 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 35.

<sup>(3)</sup> OJ No L 168, 29. 6. 1991, p. 77.

<sup>(4)</sup> OJ No L 175, 2. 8. 1972, p. 49.

<sup>(5)</sup> OJ No L 260, 12. 9. 1986, p. 8.

<sup>(6)</sup> OJ No L 168, 30. 6. 1990, p. 38.

<sup>(7)</sup> OJ No L 81, 28. 3. 1991, p. 83.



## ANNEX I

## Countervailing charge on hybrid maize for sowing

*(ECU/100 kg)*

CN code	Amount of countervailing charge (%)	Country of origin (2)	
1005 10 11	1,8	048	
	13,8	404	
	13,9	064	
	15,1	066	
	34,9	068	
	37,2	056	
	56,9	400	
	56,9	1	
	1005 10 13	13,0	064
		13,7	528
20,0		048	
21,7		062	
27,1		068	
40,2		066	
40,2		2	
1005 10 15	6,1	066	
	10,1	038	
	18,9	400	
	30,0	512	
	53,0	346	
	55,9	064	
	56,5	048	
	65,8	528	
	88,7	052	
	88,7	3	

(1) The countervailing charge may not exceed 4 % of the customs value. In the case of Spain it may not exceed the rate obtained by alignment on the Common Customs Tariff in accordance with the timetable specified in the Act of Accession.

(2) Origin identification :

- 1 Other countries with the exception of Austria, Chile and Argentina
- 2 Other countries with the exception of Japan, Austria, Turkey, Chile, the United States, South Africa and Canada
- 3 Other countries with the exception of Bulgaria, South Africa and New Zealand

048 Yugoslavia  
 052 Turkey  
 062 Czechoslovakia  
 064 Hungary  
 066 Romania  
 068 Bulgaria  
 346 Kenya  
 400 the United States  
 404 Canada  
 512 Chile  
 528 Argentina  
 056 USSR

## ANNEX II

## Countervailing charge on hybrid sorghum for sowing

*(ECU/100 kg)*

CN code	Amount of countervailing charge	Country of origin (1)
1007 00 10	1,5	624
	19,7	064
	45,2	400

(1) Origin identification :

064 Hungary  
 400 United States  
 624 Israel

## COMMISSION REGULATION (EEC) No 1903/91

of 28 June 1991

amending Regulation (EEC) No 2325/86 on communications from the Member States to the Commission with regard to peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins<sup>(1)</sup>, as last amended by Regulation (EEC) No 1624/91<sup>(2)</sup>, and in particular Article 5 thereof,Whereas Article 3a of Regulation (EEC) No 1431/82 provides for the establishment of actual and estimated production of peas, field beans and sweet lupins; whereas, when this is done, the amounts harvested on the territory of the former German Democratic Republic shall not be taken into account; whereas an amendment to Commission Regulation (EEC) No 2325/86<sup>(3)</sup>, as amended by Regulation (EEC) No 2583/88<sup>(4)</sup>, is therefore necessary;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2325/86 is hereby amended as follows:

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

Done at Brussels, 28 June 1991.

1. The following sentence is added after the last indent of Article 5:

'Germany shall communicate separately the figures relating to the territory of the former Federal German Republic and the former German Democratic Republic.'

2. The following sentence is added after the second indent of Article 6:

'Germany shall communicate separately the figures relating to the territory of the former Federal German Republic and the former German Democratic Republic.'

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

It shall apply from 1 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 10.<sup>(3)</sup> OJ No L 202, 25. 7. 1986, p. 21.<sup>(4)</sup> OJ No L 230, 19. 8. 1988, p. 18.

## COMMISSION REGULATION (EEC) No 1904/91

of 28 June 1991

## amending Regulation No 282/67/EEC on detailed rules for intervention for oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Articles 24a (3) and 26 (3) thereof,

Whereas HPLC should be retained as the common reference method in the Community for glucosinolate analysis; whereas for the 1991/92 marketing year the use of other methods of analysis should be permitted by the Commission under conditions to be laid down;

Whereas the date for the opening of intervention buying in for sunflower seed in Spain and Portugal is maintained at 1 August; whereas, however, the payment period for seeds bought in during the first three months of the marketing year in Spain and Portugal should start from the same date as that applied in the rest of the Community;

Whereas the oil coefficients for intervention buying of Spanish sunflower seed should be the same as in the rest of the Community;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Commission Regulation No 282/67/EEC<sup>(3)</sup> is hereby amended as follows:

1. Article 4 is replaced by the following:

*Article 4*

1. The drawing of samples, their preparation as samples for analysis and the determination of the oil, erucic acid, moisture and impurity contents shall be carried out by the common methods set out in

Annexes I to VII to Commission Regulation (EEC) No 1470/68<sup>(\*)</sup>.

2. (a) The determination of the glucosinolate content of rape seed shall be carried out using the method set out in Annex VIII to Commission Regulation (EEC) No 1470/68.

(b) Member States may decide that the determination of the glucosinolate content of rape seed may also be carried out using the method known as X-ray fluorescence (XRF). Where they do so, Member States shall approve the laboratories permitted to use XRF according to the Community protocol to be determined and provided that the XRF equipment has been calibrated according to the manufacturer's instructions using reference samples obtained from the Community Reference Bureau (BCR). Where the result of such an XRF analysis is less than 30 microcomoles of glucosinolates, the rape seed in question shall be considered to be "double zero".

(c) The method in Annex VIII to Commission Regulation (EEC) No 1470/68 shall be the reference method for the Community and shall be the sole method for settling disputes.

3. As a derogation from point 2 (a) and (b) above and for the 1991/92 marketing year:

(a) Member States may grant provisional approval for laboratories to use the method known as X-ray fluorescence (XRF) to determine the glucosinolate content of rape seed. Where the result of an XRF analysis is less than 30 micromoles of glucosinolates, the rape seed in question shall be considered to be "double zero" provided that the XRF equipment has been calibrated according to the manufacturer's instructions using reference samples obtained from the Community Reference Bureau (BCR).

Member States making use of this derogation must communicate to the Commission a list of the approved establishments and the protocol used.

(b) Member States may permit the use of alternative methods of analysis for use in determining the glucosinolate content of rape seed provided they make a request to the Commission to do so and provided this request includes the protocol of the method concerned and a list of laboratories in which the method will be authorized.

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No 151, 13. 7. 1967, p. 1.

When granting approval, the Commission may impose any additional conditions which are deemed necessary, in particular as regards the maximum acceptable glucosinolate content in order to allow the rape seed in question to be considered as "double zero".

(\*) OJ No L 239, 28. 9. 1968, p. 2.

2. In Article 7 the following is added as the penultimate paragraph :

'However, where sunflower seed is delivered to intervention in Spain and Portugal before 1 November 1991 it shall, for the purposes of the calculation of the

payment period only, be considered to have been delivered on 1 November.'

3. In Annex I, Part II, the last sentence is deleted.

*Article 2*

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

It shall apply :

- from 1 July 1991 for rape seed,
- from 1 August 1991 for sunflower seed.

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1905/91

of 28 June 1991

## amending Regulation (EEC) No 2681/83 laying down detailed rules for the application of the subsidy system for oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 27 (5) thereof,

Whereas Article 18 (6) of Commission Regulation (EEC) No 2681/83<sup>(3)</sup>, as last amended by Regulation (EEC) No 3603/90<sup>(4)</sup>, lays down provisions concerning the completion of forms; whereas provision should be made to take account of the growing use of computers;

Whereas paragraphs 3 and 3a of Article 27a of Regulation No 136/66/EEC provide for the establishment of actual and estimated production of oil seeds; whereas, when this is done, the amounts harvested on the territory of the former German Democratic Republic shall not be taken into account; whereas the production estimates for oil seeds should be made before the end of October; whereas, as a result, Member States must supply the figures relating to the area and the production of oil seeds to the Commission before 17 October; whereas paragraph 4 of Article 27a lays down that the calculation of the adjustment for the marketing year 1991/92 for rape seed produced in Spain must result in an adjusted target price equal to that prevailing in the rest of the Community;

Whereas the method known as 'HPLC' should be retained as the common reference method in the Community for glucosinolate analysis; whereas for the 1991/92 marketing year the use of other methods of analysis should be permitted by the Commission under conditions to be laid down;

Whereas provision should be made for the payment in advance of the bonus at the same time as the advance payment of the aid for rape seed is made; whereas, given that the final aid amounts will not be known until the month of November, provision should be made for the

freeing of a significant part of the security covering the advance when the right to the aid has been recognized; whereas provision should be made to release the remaining part of the security only after the final aids have been published in order to ensure that any excess payment can be recovered;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2681/83 is hereby amended as follows:

1. The first sentence of Article 18 (6) is replaced by the following:

'6. The forms shall be completed by typewriter, by printer or, failing that, by hand in block letters. Where the entries are compiled by computer they may be printed on the certificate or, failing that, on a separate sheet of paper provided that in either case they are endorsed by the issuing authority.'

2. Article 32 is replaced by the following:

*Article 32*

1. The drawing of samples, their preparation as samples for analysis and the determination of the oil, impurities and moisture contents shall be carried out using the common methods set out in Annexes I to V and VII to Commission Regulation (EEC) No 1470/68<sup>(\*)</sup>.

2. (a) The determination of the glucosinolate content of rape seed shall be carried out using the method set out in Annex VIII to Commission Regulation (EEC) No 1470/68.

- (b) The determination of the glucosinolate content of rape seed may also be carried out using the method known as X-ray fluorescence (XRF). Member States shall approve the laboratories permitted to use XRF according to the Community protocol to be determined and provided

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

<sup>(2)</sup> OJ No L 162, 26. 6. 1991, p. 27.

<sup>(3)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(4)</sup> OJ No L 350, 14. 12. 1990, p. 57.

that the XRF equipment has been calibrated according to the manufacturer's instructions using reference samples obtained from the Community Reference Bureau (BCR). Where the result of such an XRF analysis is less than 30 micromoles of glucosinolates, the rape seed in question shall be considered to be "double zero".

- (c) The method in Annex VIII to Commission Regulation (EEC) No 1470/68 shall be the reference method for the Community and shall be the sole method for settling disputes.

3. As a derogation from point 2 (a) and (b) above and for the 1991/92 marketing year :

- (a) in the absence of a Community protocol, Member States may grant provisional approval for laboratories to use the method known as X-ray fluorescence (XRF) to determine the glucosinolate content of rape seed. Where the result of an XRF analysis is less than 30 micromoles of glucosinolates, the rape seed in question shall be considered to be "double zero" provided that the XRF equipment has been calibrated according to the manufacturer's instructions using reference samples obtained from the Community Reference Bureau (BCR).

Member States making use of this derogation must communicate to the Commission a list of the approved establishments and the protocol used.

- (b) The Commission may also allow a Member State to permit the use of alternative methods of analysis for use in determining the glucosinolate content of rape seed provided the Member State makes a request to do so and provided this request includes the protocol of the method concerned and a list of laboratories in which the method will be authorized.

When granting approval, the Commission may impose any additional conditions which are deemed necessary in particular as regards the maximum acceptable glucosinolate content in order to allow the rape seed in question to be considered as "double zero".

(\*) OJ No L 239, 28. 9. 1968, p. 2.

3. In Article 32a, first paragraph, 'the end of the second month of each marketing year' is replaced by 'the end of the month of October'. The following is added after the last indent :

'However, when the establishment of actual and estimated production takes place, those quantities

harvested in the territory of the former German Democratic Republic shall not be taken into account.'

4. The following paragraph is added to Article 32a, paragraph 2 :

'However, the adjustment of the amounts of aid for rape seed produced in Spain for the 1991/92 marketing year shall be fixed so that the adjusted target price is the same in Spain as in the Community as constituted at 31 December 1985.'

5. Article 32a (4) is replaced by the following :

'4. The Member States shall forward to the Commission in writing before 17 October, for rape seed on the one hand, and sunflower seed, on the other hand, the figures concerning :

- areas and production harvested during the preceding marketing year,
- areas and production to be harvested during the current marketing year.

Germany shall communicate separately the figures relating to the territory of the former Federal German Republic and the former German Democratic Republic.

6. Article 36 (1) to (3) is replaced by the following :

'1. The competent agency shall pay in advance the subsidy referred to in Article 10 of Regulation (EEC) No 1594/83 to the recipient designated in that Article once the seed has been identified and on condition that a security equal to the subsidy to be advanced is lodged by the recipient prior to such payment. As regards rape seed, where the recipient declares that the colza or rape seed meets the definition in Article 2 (4), the competent agency shall also pay in advance the "double zero" supplement subject to the conditions set out in the previous sentence.

2. The security mentioned in paragraph 1 shall be lodged in order to ensure that processing or incorporation determining entitlement to the subsidy is carried out and, while the subsidy has not been finalized, to ensure that any payment in excess of the subsidy to which final entitlement is established can be recovered. The security shall be lodged in one of the forms provided for in Article 8 of Regulation (EEC) No 2220/85.

3. The security shall be released when the aids have been finalized and the competent authority of the Member State in question has recognized entitlement to the subsidy for the quantities indicated in the application including, where appropriate, entitlement to the "double zero" supplement. If entitlement to the subsidy is not recognized for all or part of the quantities indicated in the application, the security shall be

forfeited proportionately to the quantities for which the conditions giving entitlement to the subsidy were not fulfilled. Where entitlement to the "double zero" supplement is not recognized, the security shall be forfeited for an amount equal to the supplement advanced.

However, in the period before publication of finalized aids, up to 80 % of the security may be released in conformity with the provisions of the preceding subparagraph. The release of any remaining part of the security shall take place after the publication of the finalized aids.

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

Done at Brussels, 28 June 1991.

*Article 2*

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

It shall apply :

- from 1 July 1991 for rape seed,
- from 1 August 1991 for sunflower seed.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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COMMISSION REGULATION (EEC) No 1906/91  
of 28 June 1991

amending Regulation (EEC) No 3540/85 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982, laying down special measures for peas, field beans and sweet lupins<sup>(1)</sup>, as last amended by Regulation (EEC) No 1624/91<sup>(2)</sup>, and in particular Articles 3 (7) and 3a (6) thereof,

Whereas Article 3a of Regulation (EEC) No 1431/82 provides for the establishment of actual and estimated production of peas, field beans and sweet lupins; whereas, when this is done, the amounts harvested on the territory of the former German Democratic Republic shall not be taken into account;

Whereas Articles 2 (2) and 3 (2) of Council Regulation (EEC) No 1625/91<sup>(3)</sup> provide for better than standard quality to be considered as standard quality;

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

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

Done at Brussels, 28 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*Article 1*

Commission Regulation (EEC) No 3540/85<sup>(4)</sup> is hereby amended as follows:

1. The following paragraph is added after the final indent of Article 24a (1):  
'However, when the establishment of actual and estimated production takes place, those quantities harvested in the territory of the former German Democratic Republic shall not be taken into account.'
2. The following is added to Annex I:  
'(d) When the total moisture and impurity level of the peas, field beans and sweet lupins is below 16 %, the weight resulting from the application of the general formula referred to at (a) shall be the same as though the moisture and impurity levels totalled 16 %.'

*Article 2*

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

It shall apply from 1 July 1991.

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 10.

<sup>(3)</sup> OJ No L 150, 15. 6. 1991, p. 11.

<sup>(4)</sup> OJ No L 342, 19. 12. 1985, p. 1.