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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 2258/91  
of 29 July 1991**

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

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

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1844/91<sup>(5)</sup>, and subsequent amending Regulations ;

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

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

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

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

Whereas these exchange rates being those recorded on 26 July 1991 ;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1844/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 July 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

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

<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 1.

## ANNEX

## to the Commission Regulation of 29 July 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Levy
0709 90 60	127,47 <sup>(?)</sup> <sup>(?)</sup>
0712 90 19	127,47 <sup>(?)</sup> <sup>(?)</sup>
1001 10 10	166,16 <sup>(1)</sup> <sup>(?)</sup>
1001 10 90	166,16 <sup>(1)</sup> <sup>(?)</sup>
1001 90 91	154,14
1001 90 99	154,14
1002 00 00	136,33 <sup>(6)</sup>
1003 00 10	139,31
1003 00 90	139,31
1004 00 10	113,15
1004 00 90	113,15
1005 10 90	127,47 <sup>(?)</sup> <sup>(?)</sup>
1005 90 00	127,47 <sup>(?)</sup> <sup>(?)</sup>
1007 00 90	139,55 <sup>(4)</sup>
1008 10 00	48,09
1008 20 00	113,37 <sup>(4)</sup>
1008 30 00	29,22 <sup>(?)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	29,22
1101 00 00	229,53 <sup>(8)</sup>
1102 10 00	203,43 <sup>(8)</sup>
1103 11 10	270,55 <sup>(8)</sup>
1103 11 90	247,89 <sup>(8)</sup>

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

## COMMISSION REGULATION (EEC) No 2259/91

of 29 July 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

Whereas these exchange rates being those recorded on 26 July 1991;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 July 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

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

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

## ANNEX

to the Commission Regulation of 29 July 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	7	8	9	10
0709 90 60	0	0	0	0,22
0712 90 19	0	0	0	0,22
1001 10 10	0	0	0	2,04
1001 10 90	0	0	0	2,04
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	19,34	19,34	19,34
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,22
1005 90 00	0	0	0	0,22
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period	4th period
	7	8	9	10	11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

## COMMISSION REGULATION (EEC) No 2260/91

of 26 July 1991

## on the supply of common wheat to the People's Republic of Bangladesh as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

limits and conditions of supply and the procedure to be followed to determine the resultant costs,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management <sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90 <sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

*Article 1*

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in Annex I hereto.

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management <sup>(3)</sup> lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the Exchange of Letters between the Commission and the recipient, published in part in Annex II. In particular, the laydays should be assessed on the basis of an average daily discharge rate of 2 000 tonnes in such a way that dispatch to be paid to the recipient by the EEC will be for the account of the successful tenderer.

Whereas, by its Decisions of 3 May and 5 June 1991 on the supply of food aid to Bangladesh, the Commission allocated to this country 45 000 tonnes of cereals to be supplied free at port of landing — undischarged;

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid <sup>(4)</sup>, as amended by Regulation (EEC) No 790/91 <sup>(5)</sup>; whereas it is necessary to specify the time

*Article 2*

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

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

Done at Brussels, 26 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.



## ANNEX I

## LOTS A and B

1. **Operation Nos** (1): 587/91 (lot A), 588/91 (lot B)
2. **Programme**: 1991
3. **Recipient** (2): Bangladesh
4. **Representative of the recipient** (2): The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka, Bangladesh
5. **Place or country of destination**: Bangladesh
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1a)
8. **Total quantity**: 45 000 tonnes
9. **Number of lots**: two (lot A: 22 500 tonnes; lot B: 22 500 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — undischarged
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Chittagong and/or Mongla
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 26. 8 — 13. 9. 1991
18. **Deadline for the supply**: 11. 10. 1991
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 13. 8. 1991
- 21 A. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 20. 8. 1991
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 — 20. 9. 1991
  - (c) deadline for the supply: 18. 10. 1991
- 21 B. **In the case of a third invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon on 27. 8. 1991;
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 27. 9. 1991;
  - (c) deadline for the supply: 25. 10. 1991
22. **Amount of the tendering security**: 5 ECU per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4):

Bureau de l'aide alimentaire, a l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/42, 200 rue de la Loi, B-1049 Bruxelles, telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 31. 7. 1991 fixed by Regulation (EEC) No 1778 (OJ No L 158, 22. 6. 1991, p. 69)

*Notes:*

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to be contacted by the successful tenderer: see list published in OJ No C 114, 29. 4. 1991, p. 33.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.  
The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the office referred to in point 24 of this Annex,
  - or by telecopier on one of the following numbers in Brussels:  
235 01 32  
236 10 97  
235 01 30  
236 20 05  
236 33 04.
- (5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) The successful tenderer is to contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.

## ANNEX II

## ALLOCATION OF EMERGENCY FOOD AID TO BANGLADESH

## 1. Discharging conditions

The Recipient shall unload the 45 000 tonnes of wheat as per the following conditions.

## 2. Type of vessels to be fixed

It is envisaged that two vessels (self-trimming bulk carriers) will be fixed, each carrying about 22 500 tonnes of wheat. The vessels should have at least three hatches and be equipped with at least one crane/derrick (of minimum 10 tonnes lifting capacity) per hatch. The vessels should be capable of entering the Chittagong outer anchorage and, after necessary lighterage, be able to shift and berth, at Recipient's option, at Chittagong jetties and after discharging requisite quantity and attaining permissible draft sail to Mongla for end of competition of discharging or directly to Mongla for end of discharging. For vessels unable to enter Chittagong port after attaining permissible draft for Chittagong silo jetty or Chittagong port jetties due to excessive length, further lighterage may be undertaken so as to attain permissible draft for Mongla port. This extra lighterage shall be at the time and expense of the owners.

## 3. Discharging facilities

Vessels will furnish at discharging ports free of expenses to the Recipient, winches and/or cranes and the power to drive them, gins and falls in good working condition and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at loading and discharging ports at their own expense.

## 4. Vessels' ETA information

Master to wireless/cable nominees of the recipient Movements Chittagong — telex 642237 CMS C BJ — (simultaneously informing Bengalship Chittagong — telex 66277 BSC BJ — and Movestore Dhaka — telex 642230 CMS BJ) for orders regarding discharge 10 days prior to their arrival at the first discharge port, i.e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of Masters's request.

Master to give following notice to the recipient's nominees, i.e. Movements Chittagong, Bengalship Chittagong and Movestore Dhaka :

(a) Upon sailing from loading port vessels must state :

- (i) quantity loaded ;
- (ii) arrival draft ;
- (iii) TPI (tonnes per inch).

(b) 10 days approximate ETA Chittagong port,

5 days approximate ETA Chittagong port,

72 hours definite ETA Chittagong port,

48 hours definite ETA Chittagong port,

24 hours definite ETA Chittagong port.

## 5. Places of discharging

It is envisaged that at Recipient's option, subject to attainment of permissible draft for Mongla, up to a maximum of 60 % of the Bill of Lading quantity may be discharged at Mongla. All lighterage at Chittagong outer anchorage for attaining permissible draft for Mongla will be carried out by the recipient at their own cost and time (including freight of lighter vessels from Chittagong outer anchorage to Mongla, if any).

## 6. Discharging rate and discharging port(s) time counting

The cargo is to be discharged by the recipient free of risk and expense to the vessel at the rate of 2 000 tonnes at Chittagong and at Mongla per weather working day of 24 consecutive hours. Time from 12.00 on Thursday and 17.00 on a day preceding a holiday until 09.00 on Saturday or next working day not to count even if worked. The rate of discharge is based on three or more workable hatches. If, however, the number of workable hatches is less than three, discharging rate will be reduced proportionately.

Notice of Readiness is to be tendered and accepted after vessel arrives at the Chittagong outer anchorage or at Mongla pilot station (Hiron Point) and laytime to commence 24 hours after NOR tendered during office hours, whether vessel is in berth or not. At discharge ports, cost of shifting from anchorage to anchorage, anchorage to berth, berth to berth and port to port on owner's/shipper's account and time used for such shifting not to count as laytime.

Although stevedores appointed by recipients, all discharging operations to be carried out under Masters' direction/approval. All necessary trimming will be at owner's time and expense.

At Chittagong anchorage and/or at Mongla anchorage, if a lighter vessel is required to cast off from the mother ship, due to heavy swell and/or bad weather, all time lost will not count as laytime.

The time will stop counting from the time the lighter vessel casts off and will start counting again from the time the lighter ship is re-tied alongside the mother ship.

#### 7. Lighterage at discharge port

All necessary lighterage at Chittagong outer anchorage, will be carried out by the recipients at their own cost and time. For vessels unable to enter the Chittagong outer anchorage, due to excessive draft, lighterage may be carried out at Kutubdia anchorage by the shippers/owners at their expense and such lighterage to be treated as transshipment and lighters engaged to be discharged on identical terms as the mother vessel, and time used for lighterage at Kutubdia not to count as laytime. Collision damage, if any, during lightening to be settled directly between the owners of the mother and the lightening vessels (notwithstanding whether engaged by both owners/shippers for Kutubdia lighterage, or by the recipients for outer anchorage lighterage).

Master of the vessel(s) at all times to extend full cooperation to the Recipients and/or their nominees/agents/stevedores/lighterage contractors for expediting discharge. Lighter vessels to supply suitable fenders to avoid damage.

#### 8. Payment

Payment by the Commission to the recipient under this treaty will be phased as follows :

- (a) ...
- (b) ...
- (c) In case of lack of coordination or of facilities between the supplier and the recipient through no fault of either part, the Commission will take special and adequate measures for financing the operations.
- (d) In the case where some extra costs requested by the supplier are to be pre-financed by the recipient, they may be directly paid by the Commission on the recipients's behalf to the said supplier.

#### 9. Demurrage/Dispatch

Should the vessel(s) not be discharged at the rate herein stipulated, demurrage shall be paid by the recipient at the rate stipulated in the charter party subject to a maximum of US \$ 5 000 per day or part thereof.

For working time saved at the port(s) of discharge, dispatch money shall be paid to the recipient at the rate of 50 % of the rate of demurrage, stipulated in the charter party, subject to a maximum of US \$ 2 500 per day saved.

Demurrage or dispatch at the discharging ports, if any, at the amounts specified above, shall be paid, as the case may be, by the recipient to the Commission or by the Commission to the recipient.

Laytime at port(s) of discharging to be non-reversible.

#### 10. Miscellaneous

Overtime expenses, if any, on account of port and customs personnel, will be for the account of the party (owner/their agents or receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the receiver's/owner's account on 50 : 50 basis. Overtime expenses for vessels' crew to be always on the owner's account.

First opening and last closing of hatches at each port of discharge to be done by vessels' crew at all times outside laytime hours.

Whatever the respective destination of the goods found damaged, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

**COMMISSION REGULATION (EEC) No 2261/91**  
**of 26 July 1991**

**closing an invitation to tender on the supply of butteroil to the WFP as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management<sup>(1)</sup>, as amended by Regulation (EEC) No 1930/90<sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas, by Annex I to Regulation (EEC) No 1763/91<sup>(3)</sup>, the Commission issued an invitation to tender for the supply of 861 tonnes of butteroil to the WFP as food aid; whereas the conditions of the supply should be reviewed and the invitation to tender in question should consequently be closed,

HAS ADOPTED THIS REGULATION :

*Article 1*

For lot A of Annex I to Regulation (EEC) No 1763/91 the tender is closed.

*Article 2*

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

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

Done at Brussels, 26 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 158, 22. 6. 1991, p. 13.

**COMMISSION REGULATION (EEC) No 2262/91****of 26 July 1991****closing an invitation to tender on the supply of skimmed-milk powder to the WFP as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management<sup>(1)</sup>, as amended by Regulation (EEC) No 1930/90<sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,Whereas, by Annex I to Regulation (EEC) No 1764/91<sup>(3)</sup>, the Commission issued an invitation to tender for the supply of 323 tonnes of skimmed-milk powder to the WFP as food aid; whereas the conditions of the supply should be reviewed and the invitation to tender in question should consequently be closed,

HAS ADOPTED THIS REGULATION:

*Article 1*

For lot A of Annex I to Regulation (EEC) No 1764/91, the tender is closed.

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

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

Done at Brussels, 26 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.<sup>(3)</sup> OJ No L 158, 22. 6. 1991, p. 17.

## COMMISSION REGULATION (EEC) No 2263/91

of 26 July 1991

laying down detailed rules of the application of Council Regulation (EEC) No 598/91 as regards the supply of whole-milk powder intended for the people of the Soviet Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 598/91 of 5 March 1991 on urgent action for the supply of agricultural products intended for the people of the Soviet Union<sup>(1)</sup>, and in particular Article 5 (2) thereof,

Whereas Regulation (EEC) No 598/91 provides for urgent action for the supply of agricultural products intended for the people of the Soviet Union; whereas that country has requested that it be supplied with whole-milk powder;

Whereas, in view of the special requirements of the supply as regards transport to and distribution of the destination, the cost relating to the manufacture of the products should be determined separately, by invitation to tender, with a view to the subsequent organization of the dispatch of the products to the recipient institutions and bodies;

Whereas detailed rules for the application of Regulation (EEC) No 598/91 must be laid down to determine the conditions governing participation in the invitation to tender, the conditions governing the award of the supply and the obligations relating to the manufacture of the whole-milk powder;

Whereas, in order to ensure that supplies are effected properly, the conditions governing the lodging of securities should be determined together with the necessary detailed rules for the implementation of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products<sup>(2)</sup>, as last amended by Regulation (EEC) No 3745/89<sup>(3)</sup>;

Whereas the manufacture and packaging of the products must be monitored by the intervention agencies of the Member States;

Whereas, pursuant to Article 2 (4) of Regulation (EEC) No 598/91, the products supplied are not eligible for export refunds and are not subject to the system of monetary compensatory amounts;

Whereas provision should be made for suitable notifications to ensure the monitoring of operations as well as

possible until takeover by the agency or the undertaking responsible for dispatch to the destination;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee provided for in Article 5 (2) of Regulation (EEC) No 598/91,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. An invitation to tender is hereby opened for the supply of 30 000 tonnes of whole-milk powder for the people of the Soviet Union pursuant to Regulation (EEC) No 598/91 and in accordance with the conditions laid down herein.

2. The supply shall comprise:

(a) the manufacture of whole-milk powder meeting the characteristics laid down in Annex II.

The end products must be put up:

— in the case of lots A to U as defined in Annex III, in packages of 25 kg net weight in new, clean, dry, intact bags meeting the specifications laid down in the Annex to Commission Regulation (EEC) No 625/78<sup>(4)</sup>, grouped on palettes in accordance with normal export practice,

— in the case of lots AA to UU as defined in Annex III, in aluminium-based paper bags or in metal canisters of a maximum net weight of 2 kg, grouped in cartons mounted on palettes in accordance with normal export practice.

The words 'Regulation (EEC) No 2263/91 — Aid from the European Economic Community' must be marked on each individual package and each carton in Russian and in one of the official languages of the Community.

The manufacture and packaging of the product covered by the supply must be completed in accordance with Annex III;

<sup>(1)</sup> OJ No L 67, 14. 3. 1991, p. 19.

<sup>(2)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(3)</sup> OJ No L 364, 14. 12. 1989, p. 54.

<sup>(4)</sup> OJ No L 84, 31. 3. 1978, p. 19.

- (b) the storage of the product for the body indicated by the Commission until the date indicated in Annex III. Storage costs during that period shall be borne by the successful tenderer;
- (c) an undertaking, in so far as possible, to manufacture the product and make it available to the abovementioned body before the end of the periods provided for in (a) and (b), at the request of the body indicated by the Commission.

#### Article 2

1. The tendering procedure shall be as follows:

Written tenders shall be lodged with one of the intervention agencies listed in Annex IV against a receipt or forwarded by registered post to arrive by 12 noon on 29 July 1991. Tenders may also be submitted by written telecommunication.

Where no tender is accepted for one or more lots in accordance with Article 3 (1), tenders may be submitted in response to a second invitation to tender for the lots concerned by 12 noon on 8 August 1991.

2. The intervention agencies shall forward to the Commission<sup>(1)</sup> the tenders submitted, which must reach it by no later than the second working day following the closing date for the submission of tenders. The details specified in Article 2 (3) (b) to (e) must be indicated in respect of each tender at the time it is forwarded. If no tender is submitted, the Member States shall so inform the Commission within the time limit indicated.

3. Tenders shall be valid only if:

- (a) they refer clearly to the supply provided for in Article 1 and this Regulation;
- (b) they indicate the name, address, telex and/or telefax numbers of the tenderer, who must be established in the Community;
- (c) each tender refers to one or more lots as defined in Annex III;
- (d) they specify an amount expressed in ecus per tonne covering the whole supply of one lot; that amount shall include packaging costs;
- (e) they indicate the exact address of the place of manufacture and packaging and the store in which the products are to be kept available to the agency to be indicated by the Commission. Each tender may indicate a single place of storage only;
- (f) they are accompanied by proof that the tenderer has lodged a tendering security of ECU 20 per tonne in

favour of the intervention agency concerned, in accordance with Title III of Regulation (EEC) No 2220/86. Such proof shall consist of a document issued by the body granting the security.

Tenders not submitted in accordance with this Article or which contain terms other than those laid down in the invitation to tender shall be rejected.

Tenders shall not be modified or withdrawn.

#### Article 3

1. On the basis of the tenders received, the Commission shall decide in respect of each lot, not later than four working days following the closing date for the submission of tenders, to fix a maximum amount for the supply or to take no action in respect of tenders, in particular where the prices quoted are higher than those normally applying on the market.

Where a maximum amount is fixed for a lot, the supply shall be awarded to the tenderer who submits a lower or equal price for that lot.

2. For the purposes of comparing tenders only, the accession compensatory amounts shall be taken into account for products manufactured in the new Member States.

3. Within three working days following the date on which the Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of that decision by registered letter, telex or other form of written telecommunication.

#### Article 4

1. Tendering securities as provided for in Article 2 (2) (f) shall be released immediately where tenders are not accepted or where no supply contract is awarded.

2. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be:

- (a) for tenderers: the maintenance of their tenders until the notification provided for in Article 3 (3);
- (b) for the successful tenderer: the lodging of the supply security in accordance with Article 5.

#### Article 5

Within five working days following notification of award of a supply contract, the successful tenderer shall forward to the body indicated in Article 6 proof of lodging of a supply security in favour of the latter, amounting to 10 % of the price quoted in the tender in accordance with Title III of Regulation (EEC) No 2220/85. Proof shall consist of a document issued by the body granting the security.

<sup>(1)</sup> Commission of the European Communities,  
Division VI.D,  
Rue de la Loi 120, office 8/68,  
B-1049 Brussels;  
(telex: 22037 AGREC B; telefax: (32-2) 235 33 10).



### Article 6

1. Before the date indicated in Annex III the successful tenderer shall submit an application for payment of the supply in respect of the lot concerned to the intervention agency of the Member State in which the place mentioned in Article 1 (2) (b) at which the products are kept available is located.

2. The successful tenderer shall obtain payment for the supply, after lodging a payment security equaling 110 % of the price he has tendered, in favour of the body referred to in paragraph 1 in accordance with Title III of Regulation (EEC) No 2220/85, on presentation of the following documents :

(a) an attestation drawn up on completion of the checks referred to in Article 7 ;

(b) a statement by the body referred to in paragraph 1 to the effect that the products were available at the final date for manufacture and packaging mentioned in Annex III.

3. The payment security mentioned in paragraph 1 shall be released forthwith when the successful tenderer submits the certificate of takeover drawn up in accordance with the model in Annex I and issued by the body indicated by the Commission.

If the goods are not taken over at the date indicated in Annex III, the successful tenderer shall have the body responsible for payment ascertain the fact that the goods were made available in accordance with his obligations and shall obtain on the basis of such a statement the release of the payment security.

4. The supply security provided for in Article 5 shall be released on presentation of proof that the payment security referred to in paragraph 2 has been lodged.

5. Securities shall also be released forthwith in cases of *force majeure*.

### Article 7

The manufacture, presentation and packaging of the product shall be monitored by the body designated by the

Member State in which the place of manufacture and packaging is located.

The successful tenderer shall submit to the checks carried out by that body. He shall notify the latter for that purpose of the places and dates of manufacture and packaging of the product to be supplied at least five days in advance together with the address of the store mentioned in Article 1 (2) (b) at which the goods are made available.

On completion of the checks, the body shall issue a certificate of conformity certifying that the whole-milk powder has been processed from the milk of healthy animals free of foot-and-mouth disease and any other infectious or contagious disease.

### Article 8

The primary requirements relating to the supply within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the execution of the supply under the conditions laid down. The quantity delivered shall be considered satisfactory where the net weight recorded on takeover is not more than 1 % less than the quantity laid down.

### Article 9

The conversion rates to be used for the payment of prices tendered and for the tendering and supply securities shall be the agricultural conversion rates applying on the closing date for the submission of tenders.

### Article 10

1. The Commission shall forward to the bodies referred to in Articles 6 and 7 all information useful for executing supplies.

2. The bodies referred to in paragraph 1 shall forward to the Commission all information relating to supplies, and in particular the results of checks and the conditions for the takeover of the goods.

### Article 11

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

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

Done at Brussels, 26 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX I

CERTIFICATE OF TAKEOVER

I, the undersigned :

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

acting in the name of ..... on behalf of

..... certify hereby that the goods listed below,  
delivered pursuant to Commission Regulation (EEC) No 2263/91, have been taken over :

— Place and date of takeover : .....  
.....

— Type of product : .....  
.....

— Tonnage, weight taken over (net) : .....  
.....

— Packaging : .....  
.....  
.....  
.....

Remarks :

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

Signature : .....

\_\_\_\_\_

## ANNEX II

Whole-milk powder with a minimum fat content of 26 % must be produced using the spray method and must be manufactured no more than one month before the date on which it is made available at the port of shipment. The quality must be 'extra grade' and must meet the following characteristics :

- |   |   |
|---|---|
| (a) fat content :   | minimum of 26,0 % ;   |
| (b) water content :   | maximum of 3 % ;  |
| (c) titratable acidity (as a percentage of non-fat dry matter) ADMI : |   |
| — in millilitres of decinormal sodium hydroxide solution :            | maximum of 3,0 % ,  |
| — in lactic acid :  | maximum of 0,15 % ;   |
| (d) lactate content (in relation to non-fat dry matter) :             | maximum of 150 mg/100g ;  |
| (e) additives :   | none ;  |
| (f) phosphatase test :  | negative, i.e. equal to or less than four micrograms of phenol per gram of reconstituted milk ; |
| (g) solubility index :  | maximum of 0,5 ml ;   |
| (h) burnt-particles index :   | maximum of 15,0 mg, i.e. at least disc B ;  |
| (i) micro-organism count :  | maximum of 50 000 per gram ;  |
| (k) coli-aerogenes-organisms :  | negative in 0,1 g ;   |
| (l) whey test :   | negative ;  |
| (m) taste and smell :   | clean ;   |
| (n) appearance :  | white or slightly yellow colour, absence of impurities and coloured particles.                  |

The control methods will be those specified in Annex I (2) (a) and (b) to Commission Regulation (CEE) No 625/78 <sup>(1)</sup>. However, reference will be made to IDF International Standard 109 (1982) for the micro-organism count, and to international Standard 73A (1985) for the identification of coli-aerogenes-organisms.

<sup>(1)</sup> OJ No L 84, 31. 3. 1978, p. 19.

## ANNEX III

	I	II	III	IV
Lot	Quantity (net weight of goods in tonnes)	Final date of manufacture and packaging	Final date for making the goods available	Final date for submitting the payment application
A	1 000	}	}	}
B	1 000			
C	1 000			
D	1 000			
E	1 000			
F	1 000			
G	1 000			
H	1 000			
I	1 000			
K	1 000			
L	1 000			
M	1 000			
N	1 000			
O	1 000			
P	1 000			
Q	1 000			
R	1 000			
S	1 000			
T	1 000			
U	1 000			
AA	500	}	}	}
BB	500			
CC	500			
DD	500			
EE	500			
FF	500			
GG	500			
HH	500			
II	500			
KK	500			
LL	500			
MM	500			
NN	500			
OO	500			
PP	500			
QQ	500			
RR	500			
SS	500			
TT	500			
UU	500			

*ANEXO IV — BILAG IV — ANHANG IV — ΠΑΡΑΡΤΗΜΑ IV — ANNEX IV — ANNEXE IV —  
ALLEGATO IV — BIJLAGE IV — ANEXO IV*

- Office belge de l'économie et de l'agriculture,  
secteur « produits et industries agricoles et alimentaires »,  
rue de Trèves 82,  
B-1040 Bruxelles  
[tél.: (2) 230 17 40, télex : 24076/65567, téléfax : (2) 230 25 33];  
  
Belgische dienst voor bedrijfsleven en landbouw,  
sector „landbouw- en voedingsprodukten en industrieën”,  
Trierstraat 82,  
B-1040 Brussel  
(tel.: (32-2) 230 17 40, telex : 24076/65567, telefax : (32-2) 230 25 33);
- EF-direktoratet,  
Frederiksborggade 18,  
DK-1360 København K  
(tel.: (45) 33 92 70 00, telex : 15137 EFDIR DK, telefax : (45) 33 92 69 48);
- Bundesanstalt für landwirtschaftliche Marktordnung (BALM),  
Adickesallee 40,  
D-6000 Frankfurt am Main 18  
(Tel.: 49 691 56 40, Telex : 411727/411156, Telefax : 49 691 56 47 90, Teletex : 699 07 32);
- Υπηρεσία Διαχείρισεως Γεωργικών Προϊόντων,  
(ΥΔΑΓΕΠ),  
οδός Αχαρνών 241,  
GR-Aθήνα  
[Τηλ.: (30-1) 862 64 15/865 64 39, Τέλεξ: 221738];
- Servicio nacional de productos agrarios (SENPA),  
calle Beneficencia 8,  
E-28004 Madrid  
[tel.: (34-1) 347 65 00/347 63 10, télex : 41818/23427 SENPA E, telefax : (34-1) 521 98 32/522 43 87];
- Office national interprofessionnel du lait et des produits laitiers (ONILAIT),  
division « Marchés »,  
2, rue Saint-Charles,  
F-75740 Paris Cedex 15  
[tél.: (33-1) 40 58 70 00, télex : 200745, téléfax : (33-1) 40 59 04 58];
- Department of Agriculture and Food, Intervention Unit,  
Agriculture House,  
Kildare Street,  
IRL-Dublin 2  
(tel.: (353-1) 78 90 11, telex : 93607 agri-el, telefax : (353-1) 61 62 63);
- Azienda di Stato per gli interventi nel mercato agricolo (AIMA),  
Via Palestro 81,  
I-00198 Roma,  
[tel.: (39-6) 647 49 91, telex : 613003/620331 AIMA (I), telefax : (39-6) 445 39 40];
- Service d'économie rurale,  
section de l'économie laitière,  
115, rue de Hollerich,  
L-1741 Luxembourg  
[tél.: (352) 47 84 17, télex : 2537 AGRIM LU, téléfax : (352) 49 16 19];
- Voedselvoorzienings In- en Verkoopbureau,  
Burgemeester Kessenplein 3,  
NL-6431 KM Hoensbroek  
(tel.: (31-45) 23 83 83, telex : 56396, telefax : (31-45) 22 27 35);

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- Instituto Nacional de Intervenção e Garantia Agrícola (INGA)  
Rua Camilo Castelo Branco, 45-2º  
P-1000 Lisboa  
[telefone : (351-1) 53 71 72, telex : 66209 INGA P, telefax : (351-1) 53 32 51];
  
  - Intervention Board, Lifestock Products Division,  
Branch A,  
PO Box 69,  
Fountain House,  
2 Queens Walk,  
UK-Reading Berks, RG1 7QW  
(tel : (44-734) 58 36 26, telex : 848302 (IBAPRG G), telefax : (44-734) 56 67 50, ext. 2370).
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## COMMISSION REGULATION (EEC) No 2264/91

of 26 July 1991

## amending Regulation (EEC) No 3076/78 on the importation of hops from non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular Articles 5 (3) and 18 thereof,

Regulation (EEC) No 3076/78 is hereby amended as follows:

1. Article 1 (2) is replaced by the following:

'2. The proof referred to in paragraph 1 shall be furnished by production of the attestation provided for in Article 5 (2) of that Regulation, hereinafter called an "attestation of equivalence".'

Whereas Article 5 of Regulation (EEC) No 1696/71 provides that hops and hop products from non-member countries may be imported only if their quality standards are at least equivalent to the minimum limits adopted for like products harvested within the Community or their derivatives;

2. The words 'in the first indent of Article 1 (2) (a) and in Article 1 (2) (b) in Article 2 (1) is replaced by the words 'in Article 1 (2)'.

Whereas Commission Regulation (EEC) No 3076/78 <sup>(3)</sup>, as last amended by Regulation (EEC) No 4060/88 <sup>(4)</sup>, specifies two types of attestations by which proof can be furnished that the requirements specified in Article 5 (1) of Regulation (EEC) No 1696/71 have been satisfied;

3. Article 4 is replaced by the following:

*'Article 4*

Whereas practice has shown that import procedures would become more efficient, and that respect of Community rules on certification could be ensured better if use of control attestations were abolished;

1. Until 30 April 1992, in the case of hops originating from third countries which have not authorized certain agencies to issue attestations of equivalence, the proof referred to in Article 1 may be furnished with regard to hop cones falling within CN 1210 10 by production of the control attestation referred to in paragraph 2.

Whereas, in order to avoid inappropriate inconvenience to certain operators in the sector, further use of the control attestation should be permitted during a transitional period in the case of hops originating from countries which have not authorized certain agencies to issue attestations of equivalence; whereas, to avoid abuse of the control attestation, such an attestation should be issued only if the origin of the hop consignment has been proved;

2. The control attestation shall be issued in respect of each consignment by the competent authorities of the Member States after a check has been made for conformity with the minimum marketing requirements set out in the Annex to Regulation (EEC) No 890/78 in accordance with the methods laid down in Article 3 (2) and (3) of the said Regulation.

Whereas, in order to ensure that Community rules on the certification of hops are respected, Member States should carry out checks to verify whether imported hops conform to the minimum marketing requirements;

3. A control attestation may be issued for a consignment of hops only if the consignment is accompanied by a declaration which has been issued by an official body of the country of origin and which indicates the country of origin of the hops in question.

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

4. The Member States shall forward to the Commission the name and address of the authorities referred to in paragraph 2, together with impressions of the official stamp and, where appropriate, the embossing presses of the competent authorities.

<sup>(1)</sup> OJ No L 175, 4. 8. 1971, p. 1.

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

<sup>(3)</sup> OJ No L 367, 28. 12. 1978, p. 17.

<sup>(4)</sup> OJ No L 356, 24. 12. 1988, p. 42.

5. Control attestations shall be drawn up in one original and two copies on a form corresponding to the model in Annex III hereto and in accordance with the instructions in Annex IV hereto.'

4. The following Article 7 (a) shall be inserted :

"The Member States shall regularly carry out checks on a random basis to verify whether hops which are imported pursuant to Article 5 of Regulation (EEC) No 1696/71 comply with the minimum marketing requirements set out in the Annex to Regulation (EEC) No 890/78. They shall report to the Commission, every year by 30 June, the frequency, type and result of the checks which were carried out over the year preceding that date. The checks shall cover at least

5 % of the number of hop consignments expected to be imported from a third country into the Member State in question during this year.

*Article 2*

This Regulation shall enter into force on 1 September 1991.

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

Done at Brussels, 26 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2265/91

of 26 July 1991

## amending Regulation (EEC) No 890/78 laying down detailed rules for the certification of hops

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular Articles 2 (5) and 18 thereof,

Regulation (EEC) No 890/78 is amended as follows :

Whereas Council Regulation (EEC) No 1784/77 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1605/91 <sup>(4)</sup>, laid down general rules for the certification of hops ;

1. Article 1 (g) is replaced by the following :

'(g) "closed operating circuit" means a process for preparing or processing hops carried out under official supervision and in such a way that no hops or processed products can be added or removed during the operation. The closed operating circuit starts with the opening of the sealed package containing the hops or hop product to be prepared or processed and it ends with the sealing of the package containing the prepared hops or hop product.'

Whereas the processing of hops and hop products has increased significantly since Commission Regulation (EEC) No 890/78 <sup>(5)</sup>, as last amended by Regulation (EEC) No 921/89 <sup>(6)</sup>, entered into force ;

2. The following paragraphs 5 and 6 are added to Article 8 :

5. With the exception of the substances as set out in Annex V to this Regulation, only certified hops and hop products may enter the closed operating circuit. They may enter solely in the state in which they have been certified.

Whereas practice has shown that ensuring a proper execution of certification of hop products involves some difficulties ;

6. If, in case of the production of extracts manufactured by the use of carbon dioxide processing in the closed operating circuit must be interrupted due to technical requirements, the representatives of the official bodies or departments authorized to carry out certification within the meaning of Article 1 (6) of Regulation (EEC) No 1784/77 shall seal the package containing the intermediate product at the point of interruption. The seal may be removed only under the supervision of the above-mentioned officials at the point where processing is being resumed.'

Whereas on account of continuing technical development it seems appropriate to define the terms and character of the closed operating circuit more precisely to avoid differing interpretations ;

3. The following Article 8a is inserted :

Whereas, furthermore, it seems appropriate to define more precisely the official checks to be applied to the processing of hops and hop products, in order to ensure a more efficient and uniform procedure of certification and in supervising of the respective Regulations by the Member States of the Community ;

1. In the case of the production of hop products, officials as referred to in Article 8 (6) shall be present at all times when processing is taking place. They shall supervise the processing at every stage, i.e. from the opening of the sealed package containing the hops or hop product to be processed through to the completion of packing, sealing and labelling of the hop product. A temporary absence is permissible, as long as it can be assured by technical means that the provisions of this Regulation are respected.

Whereas it appears appropriate to provide for sanctions in the cases where serious breach of provisions relating to certification has occurred ;

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

2. Before changing to a different batch in a processing system the representatives referred to in Article 8 (6) shall ensure by inspection that the processing system is empty, at least to the extent necessary to

<sup>(1)</sup> OJ No L 175, 4. 8. 1971, p. 1.

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

<sup>(3)</sup> OJ No L 200, 8. 8. 1977, p. 1.

<sup>(4)</sup> OJ No L 149, 14. 6. 1991, p. 14.

<sup>(5)</sup> OJ No L 117, 29. 4. 1978, p. 43.

<sup>(6)</sup> OJ No L 97, 11. 4. 1989, p. 40.

ensure the elements of two different batches cannot be mixed. If hops, hop products, spent hops or any other product derived from hops remain in parts of the processing system such as blending or canning containers while hops of another batch is being processed, these parts have to be disconnected from the processing system by suitable technical means and under official supervision. They may be re-connected to the processing system under official supervision, only. A physical link between the processing line for concentrated hop powder and that for non-concentrated hop powder shall not be allowed while either is operating.

3. The operators of hop-processing plants shall provide the representatives referred to in Article 8 (6) as well as the representatives of the official national bodies responsible for ensuring compliance with the certification system within the meaning of Article 1 (6) of Regulation (EEC) No 1784/77 with all information related to the technical layout of the processing plant.

4. The operators of hop-processing plants shall keep exact records concerning the mass throughput of hops processed. For each batch of hops to be processed records shall be drawn up which contain details of the weights of the input product and the processed product as well as that of the waste, including spent hops, non-hop materials rejected and the presumed moisture loss. As far as the input product is concerned the records shall furthermore contain the number as referred to in Article 5 (1) (b) of Regulation (EEC) No 1784/77 for all hop consignments involved and the variety of the hops. If more than one variety is used in the same batch the respective shares of their weights must appear in the records. As regards the processed product the variety must also appear in the records, or, if the processed product is a blend, the composition by varieties. All weights may be rounded off to the nearest kilogram.

5. Records of the mass throughput shall be made under the supervision of the representatives referred to in Article 8 (6) and signed by them as soon as the

processing of a batch has been completed. They shall be kept by the operator of a processing plant for at least three years.

6. Representatives of the official bodies responsible for ensuring compliance with the certification system shall carry out sample checks on the premises of the hop processing plants, regularly and without prior notice. These checks shall consist of an examination of: the work of representatives referred to in Article 8 (6); the incontestability of the certified products, the certificates accompanying the hops, as well as the recorded mass throughput as referred to in paragraph 4 above. The number of checks to be carried out during a year shall not be less than five per hop-processing plant.

7. The Member States shall report to the Commission, every year before 30 June, the frequency, type and result of the supervisory measures in respect of certification which were carried out over the year preceding the said date.

8. If it is found that in the preparation of hop products components have been used which are not permitted, or that the components used do not conform to the information in the certificate as listed in Article 5 of Regulation (EEC) No 1784/77, and if this is imputable to deliberate action or serious fault on the part of the plant operator or his servants, the Member State in question shall withdraw approval as a certification centre from this processing plant. Approval may not be restored for a period of at least 12 months following the date of withdrawal. On request of the operator, approval shall be restored after two years or, in grave cases, after three years from the date of withdrawal, at the latest.

4. The Annex hereto is added after Annex IV.

#### *Article 2*

This Regulation shall enter into force on 1 September 1991.

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

Done at Brussels, 26 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*ANNEX*

*ANNEX V*

Substances permitted in the standardization of hop extracts :

1. glucose syrups ;
  2. hot water extract prepared from hops.
-

## COMMISSION REGULATION (EEC) No 2266/91

of 29 July 1991

## amending Regulation (EEC) No 1657/91 on the implementation of promotional and publicity measures in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1632/91<sup>(2)</sup>, and in particular Article 4 thereof,Whereas pursuant to Article 3 (1) of Commission Regulation (EEC) No 1657/91<sup>(3)</sup> proposals must reach the competent authority before 1 July 1991; whereas this was the first time the relevant organizations in Portugal were able to take part in such a Community scheme; whereas because of lack of experience and the short period allowed for the submission of proposals it was not possible for them to prepare suitable proposals in time; the deadline should therefore be put back to 27 July 1991 for Portugal;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1657/91 is hereby amended as follows:

In the third subparagraph of Article 3 (1) of Regulation (EEC) No 1697/91, a semi-colon is inserted after the first sentence and the following is added: 'in Portugal before 27 July 1991.'

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

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 131, 26. 5. 1977, p. 6.<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 23.<sup>(3)</sup> OJ No L 151, 15. 6. 1991, p. 45.

## COMMISSION REGULATION (EEC) No 2267/91

of 29 July 1991

**determining, for tobacco from the 1990 harvest, the quantity actually produced and the prices and premiums payable under the system of maximum guaranteed quantities**

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 Article 4 (5) thereof,

Having regard to Commission Regulation (EEC) No 2824/88 of 13 September 1988 laying down certain detailed rules for the application of the system of maximum guaranteed quantities in the tobacco sector and amending Regulations (EEC) No 1076/78 and (EEC) No 1726/70<sup>(3)</sup>, and in particular Articles 1 and 2 (4) thereof,

Whereas Regulation (EEC) No 727/70 provides for a system of maximum guaranteed quantities; whereas that system provides in particular that where the quantities fixed for a variety or a group of varieties are exceeded, the prices and premiums concerned must be reduced in accordance with Article 4 (5) of that Regulation;

Whereas Regulation (EEC) No 2824/88 lays down that, before 31 July of the year following that of harvest, the Commission must, for each of the varieties or groups of varieties of tobacco for which a maximum guaranteed quantity has been fixed, determine in particular on the basis of the figures notified by the Member States, the quantity actually produced which, if exceeded, causes the prices and premiums for the variety or group of varieties concerned to be reduced by 1 % for each 1 % by which the maximum guaranteed quantity is exceeded; whereas when that occurs the norm price is reduced by an amount equal to the reduction in the premium; whereas in the case of the 1990 harvest the maximum reduction allowed is 15 %;

Whereas Council Regulation (EEC) No 1331/90<sup>(4)</sup>, as amended by Regulation (EEC) No 1738/91<sup>(5)</sup>, fixes *inter alia* the maximum guaranteed quantities of leaf tobacco and the prices and premiums for the 1989 harvest;

Whereas on the basis of the figures available the quantities actually produced in respect of the 1990 harvest

are those set out below; whereas the prices and premiums for that harvest should accordingly be adjusted as shown below;

Whereas, as a consequence of Commission Regulation (EEC) No 1665/90 of 20 June 1990 determining the prices and amounts fixed in ecus by the Council in the raw tobacco sector and reduced as a result of the monetary realignment of 5 January 1990<sup>(6)</sup>, the prices and amounts fixed in ecus must be divided by 1,001712 for operations where the operative event for the agricultural conversion rate occurs from 14 May 1990;

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. For the 1990 harvest the actual production of each variety or group of varieties of tobacco and the overrun of the maximum guaranteed quantities fixed by Regulation (EEC) No 1331/90 shall be those set out in Annex I to this Regulation.

2. For the 1990 harvest the norm and intervention prices and the amounts of the premium granted to purchasers of leaf tobacco, as referred to in Articles 2 and 3 of Regulation (EEC) No 727/70, and the derived intervention prices for baled tobacco, as referred to in Article 6 of the said Regulation, which are payable under the system of maximum guaranteed quantities, shall be as set out in Annex II to this Regulation. They have been divided by the coefficient 1,001712 referred to in Article 1 of Regulation (EEC) No 1665/90.

*Article 2*

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

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

<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 11.

<sup>(3)</sup> OJ No L 254, 14. 9. 1988, p. 9.

<sup>(4)</sup> OJ No L 132, 23. 5. 1990, p. 28.

<sup>(5)</sup> OJ No L 163, 26. 6. 1991, p. 13.

<sup>(6)</sup> OJ No L 155, 21. 6. 1990, p. 26.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

## Tobacco from the 1990 harvest : maximum guaranteed quantities by variety and group of varieties, quantities actually produced, and overrun of the maximum guaranteed quantities

Group and varieties (serial number)	Maximum guaranteed quantity (tonnes)	Quantity actually produced (tonnes)	Overrun of the maximum guaranteed quantity (%)
<b>GROUP I</b>			
3 Virgin D	11 000	6 198	—
7 Bright	46 750	54 023	15,6
31 Virginia E	16 000	27 092	69,3
33 Virginia P	4 000	3 865	—
17 Basmas	30 000	20 304	—
18 Katerini	23 000	18 950	—
26 Virginia EL	12 500	26 644	113,2
<b>Total</b>	<b>143 250</b>	<b>157 076</b>	
<b>GROUP II</b>			
2 Badischer Burley :			
— for area A	8 000	6 530	—
— for area B	4 300	5 443	26,6
8 Burley I	43 500	49 253	13,2
9 Maryland	3 500	3 234	—
25 Burley EL	11 000	3 835	—
28 Burley Ferm.		11 471	—
32 Burley E	26 500	3 630	—
34 Burley P	2 500	969	—
<b>Total</b>	<b>99 300</b>	<b>84 365</b>	
<b>GROUP III</b>			
1 Badischer Geudertheimer :	4 300	2 831	—
4 Paraguay :			
— for area A	18 000	18 956	5,3
— for area B	2 700	4 661	72,6
— for area C	2 000	1 476	—
5 Nijkerk		135	—
6 Misionero	1 500		—
27 Santa Fé			—
29 Havana E		680	—
10 Kentucky	10 000	8 073	—
16 Round Tip		197	—
30 Round Scafati	250	184	52,4
<b>Total</b>	<b>38 750</b>	<b>37 193</b>	
<b>GROUP IV</b>			
13 Xanti-Yakà		8 408	
14 Perustitza	20 000	8 635	—
15 Erzegovina		1 978	—
19 Kaba Koulak classic		13 725	—
20 Kaba Koulak non classic		1 668	—
21 Myrodata	33 000	4 618	—
22 Zychnomyrodata		397	—
<b>Total</b>	<b>53 000</b>	<b>39 429</b>	
<b>GROUP V</b>			
11 (a) Forchheimer Havana II c		25 378	
(b) Nostrano del Brenta		17	
(c) Resistente 142	22 700		211,1
(d) Gojano		45 222	
(e) Hybrids of Badischer Geudertheimer		9	
12 Beneventano			
23 Tsebelia	28 000	21 580	9,8
24 Mavra		9 163	
<b>Total</b>	<b>50 700</b>	<b>101 369</b>	

## ANNEX II

Norm prices, intervention prices, premiums and derived intervention prices for tobacco from the 1990 harvest, in accordance with the system of maximum guaranteed quantities

(ECU/kg)

Serial No	Variety	Norm price	Intervention price	Premium	Derived intervention price
1	Badischer Geudertheimer and its hybrids	3,637	3,091	2,530	4,636
2	Badischer Burley E and its hybrids				
	— for area A	4,504	3,829	2,956	5,417
	— for area B	4,060	3,254	2,513	4,734
3	Virginia D	4,618	3,925	2,922	5,171
4	Paraguay				
	— for area A	3,277	2,741	2,231	—
	— for area B	3,042	2,452	1,996	—
	— for area C	3,394	2,885	2,348	—
5	Nijkerk	3,351	2,849	2,128	—
6	(a) Misionero and its hybrids (b) Rio Grande and its hybrids	3,123	2,654	2,155	—
7	Bright	3,694	2,936	2,088	4,175
8	Burley I	2,582	2,103	1,749	3,203
9	Maryland	3,307	2,811	1,872	4,007
10	(a) Kentucky and its hybrids (b) Moro di Cori (c) Salento	2,791	2,373	1,902	3,341
11	(a) Forchheimer Havana II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano (e) Hybrids of Badischer Geudertheimer	2,416	1,723 (1)	1,620	2,907 (1)
12	(a) Beneventano (b) Brasile Selvaggio and similar varieties	1,298	1,055	0,914	1,797
13	Xanti-Yakà	3,251	2,764	2,395	4,514
14	(a) Perustitza (b) Samsun	3,078 —	2,616 —	2,279 2,218	3,917 3,941
15	Erzegovina and similar varieties	2,765	2,350	2,053	3,533
16	(a) Round Tip (b) Scafati (c) Sumatra I	14,442	11,474	8,153	18,421
17	Basmas	6,080	5,168	3,067	6,902
18	Katerini and similar varieties	5,064	4,305	2,729	6,185
19	(a) Kaba Koulak classic (b) Ellassona	4,015	3,413	2,074	4,916
20	(a) Kaba Koulak non-classic (b) Myrodata Smyrne, Trapezous and Phi I	3,025	2,571	1,421	3,972
21	Myrodata Agrinion	3,991	3,392	2,095	4,832



(ECU/kg)

Serial No	Variety	Norm price	Intervention price	Premium	Derived intervention price
22	Zichnomyrodata	4,147	3,525	2,210	5,042
23	Tsebelia	2,513	2,120 (1)	2,002	3,165 (1)
24	Mavra	2,485	1,807 (1)	1,637	3,117 (1)
25	Burley EL	2,247	1,910	1,496	3,030
26	Virginia EL	3,328	2,745	2,669	3,913
27	Santa Fé	1,381	1,174	0,300	2,031
28	Burley Ferm.	2,236	1,901	0,929	2,918
29	Havana E	2,873	2,442	1,949	3,627
30	Round Scafati	7,769	6,253	5,016	11,225
31	Virginia E	4,170	3,268	1,997	4,633
32	Burley E	2,960	2,516	1,717	3,782
33	Virginia P	4,256	3,617	2,350	4,944
34	Burley P	3,067	2,607	1,717	3,890

(1) Account being taken of the application of Article 13 of Regulation (EEC) No 727/70.

COMMISSION REGULATION (EEC) No 2268/91  
of 29 July 1991

derogating, for the 1990/91 marketing year, from certain time limits laid down in Regulation (EEC) No 2911/90 laying down detailed rules of application for aid for the production of dried grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1943/91 <sup>(2)</sup>, and in particular Article 6 (6) thereof,

Whereas Commission Regulation (EEC) No 2911/90 of 9 October 1990 laying down detailed rules of application for aid for the production of certain varieties of grapes for drying <sup>(3)</sup>, amended by Regulation (EEC) No 1577/91 <sup>(4)</sup>, lays down certain final dates for the payment of the aid by the Member States;

Whereas, in view of the fact that the scheme for these products was amended from the 1990/91 marketing year, the date provided for should be prolonged in order to facilitate the application of the new system by the national administrations involved;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1990/91 marketing year, and by way of derogation from Article 5 (1) of Regulation (EEC) No 2911/90, the final date for the payment of the aid is hereby fixed at 31 August 1991.

*Article 2*

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

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 175, 4. 7. 1991, p. 1.

<sup>(3)</sup> OJ No L 278, 10. 10. 1990, p. 35.

<sup>(4)</sup> OJ No L 147, 12. 6. 1991, p. 6.

## COMMISSION REGULATION (EEC) No 2269/91

of 29 July 1991

fixing the minimum price applicable to dried grapes during the 1991/92 marketing year as well as the countervailing charges to be imposed where that price is not observed

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1943/91<sup>(2)</sup>, and in particular Article 9 (6) thereof,

Whereas, in accordance with Article 9 (2) of Regulation (EEC) No 426/86, the minimum import price for dried grapes shall be determined having regard to:

- the free-at-frontier price on import into the Community,
- the prices obtaining in international trade,
- the situation on the internal Community market,
- the trend of trade with third countries;

Whereas Article 2 (1) of Council Regulation (EEC) No 2089/85 of 23 July 1985 laying down general rules relating to the system of minimum import prices for dried grapes<sup>(3)</sup> provides that countervailing charges shall be fixed by reference to a scale of import prices; whereas the maximum countervailing charge shall be determined on the basis of the most favourable prices applied on the

world market for significant quantities by the most representative non-member countries;

Whereas a minimum import price must be fixed for currants and other dried grapes;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The minimum import price applicable to dried grapes during the 1991/92 marketing year shall be as set out in Annex I.

2. The countervailing charge to be imposed where the minimum import price referred to in paragraph 1 is not observed shall be as set out in Annex II.

*Article 2*

This Regulation shall enter into force on 1 September 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 175, 4. 7. 1991, p. 1.

<sup>(3)</sup> OJ No L 197, 27. 7. 1985, p. 10.

## ANNEX I

## Minimum import prices

*(ECU per tonne)*

CN code	Description	Minimum import price
0806 20	– Dried grapes :	
	– – In immediate containers of a net capacity of 2 kg or less :	
0806 20 11	– – – Currants	965,58
0806 20 12	– – – Sultanas	1 010,15
0806 20 18	– – – Other	1 000,88
	– – Other :	
0806 20 91	– – – Currants	854,39
0806 20 92	– – – Sultanas	893,83
0806 20 98	– – – Other	893,83

## ANNEX II

## Countervailing charges

## 1. Currants falling within CN code 0806 20 11

*(ECU per tonne)*

Import price applied		Countervailing charge to be levied
less than	but not less than	
965,58	955,92	9,66
955,92	936,61	28,97
936,61	907,64	57,94
907,64	878,64	85,56
878,67		85,56

## 2. Currants falling within CN code 0806 20 91

*(ECU per tonne)*

Import price applied		Countervailing charge to be levied
less than	but not less than	
854,39	845,85	0,00
845,85	828,76	0,00
828,76	803,13	0,00
803,13	777,50	0,00
777,49		0,00

## 3. Dried grapes falling within CN codes 0806 20 12 and 0806 20 18

*(ECU per tonne)*

Import price applied		Countervailing charge to be levied
less than	but not less than	
1 010,15	1 000,05	10,10
1 000,05	979,85	30,30
979,85	949,54	60,61
949,54	919,24	90,91
919,24		130,13

## 4. Dried grapes falling within CN codes 0806 20 92 and 0806 20 98

*(ECU per tonne)*

Import price applied		Countervailing charge to be levied
less than	but not less than	
893,83	884,89	8,94
884,89	867,02	13,81
867,02	840,20	13,81
840,20	813,39	13,81
813,39		13,81

## COMMISSION REGULATION (EEC) No 2270/91

of 29 July 1991

## amending Regulation (EEC) No 625/78 on detailed rules of application for public storage of skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 1630/91 <sup>(2)</sup>, and in particular Article 7 (5) thereof,

Whereas Article 2 (6) of Commission Regulation (EEC) No 625/78 <sup>(3)</sup>, as last amended by Regulation (EEC) No 890/91 <sup>(4)</sup>, lays down provisions on the reimbursement of storage costs in the event of the inspection showing that the skimmed-milk powder offered does not comply with the requirements set out in Article 1 (1) of that Regulation; whereas the application of those provisions is coming up against practical difficulties; whereas, as a result, provision should be made for other detailed rules on the subject to better reflect the storage costs actually incurred by the intervention agencies;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (6) of Regulation (EEC) No 625/78 is hereby amended as follows:

1. The third indent is replaced by the following:

— to pay the costs of storage of the quantities concerned calculated from the day of taking over up to the date of removal.'

2. The following subparagraph is added:

'The standard storage costs per tonne shall be as follows:

- (a) ECU 17 for the fixed costs;
- (b) ECU 0,08 per day of storage for the warehousing costs;
- (c) if payment has been made, the financial costs shall be calculated from the day of payment on the basis of the buying-in price and the interest rate fixed in accordance with Commission Regulation (EEC) No 411/88 <sup>(\*)</sup> plus two percentage points.

<sup>(\*)</sup> OJ No L 40, 13. 2. 1988, p. 25.'

*Article 2*

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

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 19.

<sup>(3)</sup> OJ No L 84, 31. 3. 1978, p. 19.

<sup>(4)</sup> OJ No L 90, 11. 4. 1991, p. 21.

**COMMISSION REGULATION (EEC) No 2271/91**

of 29 July 1991

**amending Regulation (EEC) No 3827/90 on transitional arrangements for the description of certain quality wines produced in specified areas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 257 (1) thereof,

Whereas, under the Act of Accession of Spain and Portugal, the special provisions for quality wines produced in specified regions laid down in Council Regulation (EEC) No 823/87<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and the general rules on the description and presentation of such wines laid down in Council Regulation (EEC) No 2392/89<sup>(3)</sup>, as last amended by Regulation (EEC) No 3886/89<sup>(4)</sup>, are to come into force in Portugal from the beginning of the second stage of accession ;

Whereas Article 1 of Commission Regulation (EEC) No 3827/90<sup>(5)</sup> as last amended by Regulation (EEC) No 1940/91<sup>(6)</sup>, provides for a derogation from Article 40 (2) of Regulation (EEC) No 2392/89 so that holders of recognized registered brand names for a wine or grape must that contain words identical to the name of a region specified by Portugal for designation of a quality wine prior to 1 January 1991 may continue to use them where they are identical to the proper name of the holder of the brand name ; whereas the second paragraph of Article 2 of Regulation (EEC) No 3827/90 provides that the derogation is to apply until 31 July 1991 ;

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

Done at Brussels, 29 July 1991.

Whereas, in order to avoid an interruption in established trade flows and pending an adaptation of the Community rules on the designation of specified regions and on the use of brand names containing words identical to such geographical descriptions, the term of validity of the abovementioned derogation should be extended by three months ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

In the second paragraph of Article 2 of Regulation (EEC) No 3827/90, the date '31 July 1991' is hereby replaced by '31 October 1991'.

*Article 2*

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

It shall apply with effect from 1 August 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 59.

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

<sup>(3)</sup> OJ No L 232, 9. 8. 1989, p. 13.

<sup>(4)</sup> OJ No L 378, 27. 12. 1989, p. 12.

<sup>(5)</sup> OJ No L 366, 29. 12. 1990, p. 59.

<sup>(6)</sup> OJ No L 174, 2. 7. 1991, p. 28.

## COMMISSION REGULATION (EEC) No 2272/91

of 29 July 1991

amending Regulation (EEC) No 1865/91 fixing the number of young male bovine animals which may be imported on special terms in the third quarter of 1991

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EEC) No 1628/91<sup>(2)</sup>, and in particular Articles 13 (4), 15 (2) and 25 thereof,Whereas Commission Regulation (EEC) No 1865/91<sup>(3)</sup> fixing the number of young male bovine animals which may be imported on special terms in the third quarter of 1991, lays down that 64 740 head of young male bovine animals may be imported for fattening in that quarter; whereas, in order to permit regular imports, the term of validity of licences as referred to in Article 4 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980<sup>(4)</sup> on special detailed rules for the application of the system of import and export licences in the beef and veal sector, as last amended by Regulation (EEC) No 815/91<sup>(5)</sup>, should be extended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 4 of Regulation (EEC) No 1865/91 is hereby amended as follows:

1. The existing text becomes paragraph 1.
2. The following paragraph 2 is added:  
'2. By way of derogation from Article 4 (b) of Regulation (EEC) No 2377/80, the term of validity of licences issued under this Regulation shall extend for four months from their actual date of issue.'

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

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 16.<sup>(3)</sup> OJ No L 168, 29. 6. 1991, p. 50.<sup>(4)</sup> OJ No L 241, 13. 9. 1980, p. 5.<sup>(5)</sup> OJ No L 83, 3. 4. 1991, p. 6.



**COMMISSION REGULATION (EEC) No 2273/91**  
of 29 July 1991  
amending Regulation (EEC) No 3846/87 establishing an agricultural product  
nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 16 thereof,

Whereas Commission Regulation (EEC) No 3846/87<sup>(3)</sup>, as last amended by Regulation (EEC) No 1436/91<sup>(4)</sup>, lays down in particular the nomenclature for goods falling within CN code 1108; whereas, for the sake of clarity, the application of the analysis methods laid down for these goods should be described in greater detail and it should be ensured that the various language versions are harmonized;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Sector 3 of the Annex to Regulation (EEC) No 3846/87, as regards CN code 1108, is hereby replaced by the Annex hereto.

*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 August 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 366, 24. 12. 1987, p. 1.

<sup>(4)</sup> OJ No L 137, 31. 5. 1991, p. 21.

## ANNEX

'CN code	Description of goods	Product code
1108	Starches ; inulin :	
	– starches <sup>(6)</sup> :	
1108 11 00	– – wheat starch :	
	– of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 %	1108 11 00 200
	– of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 % <sup>(7)</sup>	1108 11 00 300
	– other	1108 11 00 800
1108 12 00	– – Maize starch :	
	– of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 % – 1108 12 00 200	
	– of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 % <sup>(7)</sup>	1108 12 00 300
	– other	1108 12 00 800
1108 13 00	– – Potato starch :	
	– of a dry matter content of not less than 80 % and a purity in the dry matter of not less than 97 %	1108 13 00 200
	– of a dry matter content of not less than 77 % but less than 80 % and a purity in the dry matter of not less than 97 % <sup>(7)</sup>	1108 13 00 300
	– other	1108 13 00 800
1108 14 00	– – Manioc starch :	
	– of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 %	1108 14 00 200
	– of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 % <sup>(7)</sup>	1108 14 00 300
	– other	1108 14 00 800
1108 19	– – Other starches :	
1108 19 10	– – – rice starch	
	– of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 %	1108 19 10 200
	– of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 % <sup>(7)</sup>	1108 19 10 300
	– other	1108 19 10 800
1108 19 90	– – – Other :	
	– of a dry matter content of not less than 87 % and a purity in the dry matter of not less than 97 % – 1108 19 90 200	
	– of a dry matter content of not less than 84 % but less than 87 % and a purity in the dry matter of not less than 97 % <sup>(7)</sup>	1108 19 90 300
	– other	1108 19 90 800

<sup>(6)</sup> When completing customs formalities, the applicant shall state on the declaration provided for this purpose the dry matter content of the product.

The dry matter content of starch is determined by the method laid down in Annex II to Commission Regulation (EEC) No 1908/84 (OJ No L 178, 5. 7. 1984, p. 22). The purity of starch is determined using the Ewers modified polarimetric method, as published in Annex I of the Third Commission Directive 72/199/EEC (OJ No L 123, 29. 5. 1972, p. 6).

<sup>(7)</sup> The export refund payable for starch shall be adjusted by using the following formula :

1. Potato starch :

$$\frac{\text{actual \% dry matter}}{80} \times \text{export refund}$$

2. All other types of starch

$$\frac{\text{actual \% dry matter}}{87} \times \text{export refund.}$$

## COMMISSION REGULATION (EEC) No 2274/91

of 29 July 1991

fixing the maximum buying-in price and the quantities of beef bought in for the 50th partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Article 90 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 1628/91 <sup>(2)</sup>, and in particular Article 6 (8) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 1792/91 <sup>(4)</sup>, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(5)</sup>, as last amended by Regulation (EEC) No 2131/91 <sup>(6)</sup>;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus ECU 6; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 50th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in

accordance with Article 11 (3) of Regulation (EEC) No 859/89;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 50th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 265 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders in the Netherlands exceeding ECU 258,9 shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 23 478 tonnes; the quantities offered are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

- the maximum buying-in price is hereby fixed at ECU 263 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders in Ireland exceeding ECU 253,2 Northern Ireland exceeding ECU 255,6 shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 9 919 tonnes; the quantities offered are hereby reduced by 30 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(c) in the Member States or regions of Member States which meet the conditions laid down in the second indent of Article 6 (4) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 250,171 per 100 kilograms of carcasses or half-carcasses of quality R3 for category A in Germany,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 25 484.

*Article 2*

This Regulation shall enter into force on 30 July 1991.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 16.

<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.

<sup>(4)</sup> OJ No L 160, 25. 6. 1991, p. 31.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 197, 20. 7. 1991, p. 15.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 2275/91**  
**of 29 July 1991**  
**fixing the export refunds on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1623/91<sup>(2)</sup>, and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts<sup>(3)</sup>, as amended by Regulation (EEC) No 2455/72<sup>(4)</sup>, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the refund applicable to exports of tomatoes to Sweden should be reduced during the period 1 July to 30

September pursuant to the undertakings entered into with that country under the 1980 agreement<sup>(5)</sup>;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, apples, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(6)</sup> as last amended by Regulation (EEC) No 2205/90<sup>(7)</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 factor referred to in the preceding indent;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 5 (1) (b) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products<sup>(8)</sup>, amended by Regulation (EEC) No 1615/90<sup>(9)</sup>, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 19 (1) (c) of Regulation (EEC) No 3665/87 may be applied;

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 150, 15. 6. 1991, p. 8.

<sup>(3)</sup> OJ No L 318, 18. 12. 1969, p. 17.

<sup>(4)</sup> OJ No L 266, 25. 11. 1972, p. 7.

<sup>(5)</sup> OJ No L 194, 28. 7. 1980, p. 12.

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

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

<sup>(8)</sup> OJ No L 351, 14. 12. 1987, p. 1.

<sup>(9)</sup> OJ No L 152, 16. 6. 1990, p. 33.

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively ;

Whereas where Spain and, from the beginning of the second stage of transition on 1 January 1990, Portugal are concerned when refunds are fixed, account is to be taken for each product in accordance with Articles 87 and 255 of the Act of Accession, of economically justified price differences ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The export refunds on fruit and vegetables shall be as set out in column I of the Annex hereto. However, the refunds applicable on products harvested on the one part in Spain and on the other part in Portugal shall be those given in columns II and III of the Annex.
2. The provisions of Articles 5 (1)(b) and 19 (1)(c) of Regulation (EEC) No 3665/87 shall apply to exports of lemons, walnuts in shell, shelled hazelnuts, and apples as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

## to the Commission Regulation of 29 July 1991 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (1)	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0702 00 10 100		4,50 (?)	—	—
0702 00 10 900	—	—	—	—
0702 00 90 100		4,50 (?)	—	—
0702 00 90 900	—	—	—	—
0802 12 90 000	05	9,67	9,67	9,67
0802 21 00 000	05	11,30	11,30	11,30
0802 22 00 000	05	21,80	21,80	21,80
0802 31 00 000	05	14,00	14,00	14,00
0805 10 11 100	01 04	—	—	—
0805 10 11 300	01 04	—	—	—
0805 10 11 900	—	—	—	—
0805 10 15 100	01 04	—	—	—
0805 10 15 300	01 04	—	—	—
0805 10 15 900	—	—	—	—
0805 10 19 100	01 04	—	—	—
0805 10 19 300	01 04	—	—	—
0805 10 19 900	—	—	—	—
0805 10 21 100	01 04	—	—	—
0805 10 21 300	01 04	—	—	—
0805 10 21 900	—	—	—	—
0805 10 25 100	01 04	—	—	—
0805 10 25 300	01 04	—	—	—
0805 10 25 900	—	—	—	—
0805 10 29 100	01 04	—	—	—
0805 10 29 300	01 04	—	—	—
0805 10 29 900	—	—	—	—
0805 10 31 100	01 04	—	—	—
0805 10 31 300	01 04	—	—	—
0805 10 31 900	—	—	—	—
0805 10 35 100	01 04	—	—	—
0805 10 35 300	01 04	—	—	—
0805 10 35 900	—	—	—	—

(ECU/100 kg net)

Product code	Destination of refund (')	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0805 10 39 100	01	—	—	—
	04	—	—	—
0805 10 39 300	01	—	—	—
	04	—	—	—
0805 10 39 900	—	—	—	—
0805 10 41 100	01	—	—	—
	04	—	—	—
0805 10 41 300	01	—	—	—
	04	—	—	—
0805 10 41 900	—	—	—	—
0805 10 45 100	01	—	—	—
	04	—	—	—
0805 10 45 300	01	—	—	—
	04	—	—	—
0805 10 45 900	—	—	—	—
0805 10 49 100	01	—	—	—
	04	—	—	—
0805 10 49 300	01	—	—	—
	04	—	—	—
0805 10 49 900	—	—	—	—
0805 20 50 100	—	—	—	—
0805 20 50 900	—	—	—	—
0805 30 10 100	05	13,50	5,66	3,39
0805 30 10 900	—	—	—	—
0806 10 11 100	05	4,84	4,84	—
0806 10 11 300	05	4,84	4,84	—
0806 10 11 900	—	—	—	—
0806 10 15 100	05	4,84	4,84	—
0806 10 15 300	05	4,84	4,84	—
0806 10 15 900	—	—	—	—
0806 10 19 100	05	4,84	4,84	—
0806 10 19 300	05	4,84	4,84	—
0806 10 19 900	—	—	—	—
0808 10 91 100	—	—	—	—
0808 10 91 910	02	6,50	—	1,58
0808 10 91 990	—	—	—	—
0808 10 93 100	—	—	—	—
0808 10 93 910	02	6,50	—	1,58
0808 10 93 990	—	—	—	—
0808 10 99 100	—	—	—	—
0808 10 99 910	02	6,50	—	1,58
0808 10 99 990	—	—	—	—
0809 30 00 110	03	5,00	3,50	5,00
0809 30 00 190	—	—	—	—
0809 30 00 900	03	5,00	5,00	5,00



(<sup>1</sup>) The destinations are as follows :

- 01 countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 Sweden, Norway, Iceland, Austria, the Farce Islands, Finland, Greenland, Malta, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Equador Colombia, the countries and territories of Africa other than South Africa, countries of the Arabia peninsula (Saudi Arabia, Bahrein, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Yemen, Iran and Jordan), Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 03 all destinations excluding Switzerland, Austria and that part of Community territory located outside the customs territory of the Community,
- 04 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland and Malta,
- 05 All destinations excepting that part of Community territory located outside the customs territory of the Community.

(<sup>2</sup>) For exports to Sweden in the period 1 July to 30 September 1991, the refund is reduced to ECU 0,95 100 kg.

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## COMMISSION REGULATION (EEC) No 2276/91

of 29 July 1991

on transitional measures regarding the total acidity content of table wines produced in Spain and released to the Spanish market for 1991

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<sup>(1)</sup>, and in particular Article 90 thereof,

Whereas a table wine must have a total acidity content, expressed as tartaric acid, of not less than 4,5 grams per litre in accordance with point 13 of Annex I to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine<sup>(2)</sup>, as last amended by Regulation (EEC) No 1734/91<sup>(3)</sup>; whereas Article 127 of the Act of Accession of Spain and Portugal lays down that until 31 December 1990, table wines produced in Spain and released to the Spanish market may have a total acidity content of not less than 3,5 grams per litre; whereas the conditions justifying this derogation are connected, in addition of the climatic conditions, with the structure of the wine sector, the development of which is relatively slow;

Whereas, in order to avoid serious imbalance on the market for table wine in Spain, provision should be made for a derogation in respect of the total acidity content of table wine produced and placed on the market in Spain;

whereas, because of the need to adjust the total acidity content of such wine towards the Community level, a time limit should be set on the derogation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Until 31 December 1991, table wines produced in Spain and released to the Spanish market may have a total acidity content, expressed as tartaric acid, of not less than 3,5 grams per litre.

*Article 2*

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

It shall apply from 1 January 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 15. 11. 1985, p. 9.

<sup>(2)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(3)</sup> OJ No L 163, 26. 6. 1991, p. 6.

**COMMISSION REGULATION (EEC) No 2277/91**  
**of 29 July 1991**  
**fixing production refunds on cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors<sup>(3)</sup>, as last amended by Regulation (EEC) No 3655/90<sup>(4)</sup> and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors<sup>(5)</sup>, as last amended by Regulation (EEC) No 1398/91<sup>(6)</sup>, provides that the production refund is to be fixed on the first day of each month; Whereas the provisions of that Regulation, in the light of the present situation of the market, result in the production refund being fixed at the level laid down in this Regulation;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refunds payable on cereals and rice in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with Regulation (EEC) No 2169/86 as amended shall be as follows in ECU 121,95 per tonne.

*Article 2*

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 94, 9. 4. 1986, p. 6.

<sup>(4)</sup> OJ No L 362, 27. 12. 1990, p. 33.

<sup>(5)</sup> OJ No L 189, 11. 7. 1986, p. 12.

<sup>(6)</sup> OJ No L 134, 29. 5. 1991, p. 19.

**COMMISSION REGULATION (EEC) No 2278/91**

of 29 July 1991

**on the issue of import licences on 30 July 1991 for sheepmeat and goatmeat products originating in certain non-member countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as amended by Regulation (CEE) No 1741/91<sup>(2)</sup>,Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986<sup>(3)</sup>, as last amended by Regulation (EEC) No 3939/87<sup>(4)</sup>, and in particular Article 3 thereof,Whereas Commission Regulation (EEC) No 3653/85<sup>(5)</sup>, as last amended by Regulation (EEC) No 1645/89<sup>(6)</sup>, laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3643/85; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 3653/85, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the third quarter of 1991;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 3653/85, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence

applications have been lodged do not exceed the quantities provided for in Regulation (EEC) No 3653/85,

HAS ADOPTED THIS REGULATION:

*Article 1*

Member States shall, on 30 July 1991, issue the import licences provided for in Regulation (EEC) No 3653/85 and applied for from 1 to 10 July 1991 subject to the following conditions:

- (a) for products falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31 and 0204 50 39, the quantities applied for, originating in other non-member countries, shall be granted in full;
- (b) for products falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79, the quantities applied for originating:
  - in Chile, shall be granted in full,
  - in other non-member countries, shall be granted in full;
- (c) for products falling within CN codes 0104 10 90 and 0104 20 90, the quantities applied for, originating in other non-member countries, shall be reduced by 98,545 %.

*Article 2*

This Regulation shall enter into force on 30 July 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.<sup>(2)</sup> OJ No L 163, 26. 6. 1991, p. 41.<sup>(3)</sup> OJ No L 348, 24. 12. 1985, p. 2.<sup>(4)</sup> OJ No L 373, 31. 12. 1987, p. 1.<sup>(5)</sup> OJ No L 348, 24. 12. 1985, p. 21.<sup>(6)</sup> OJ No L 162, 13. 6. 1989, p. 21.

## COMMISSION REGULATION (EEC) No 2279/91

of 29 July 1991

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(4)</sup>, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75<sup>(5)</sup>, and Article 2 of Council Regulation (EEC) No 1431/76<sup>(6)</sup> laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the

economic aspect of the proposed exports,<sup>4</sup> and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice<sup>(7)</sup>, as last amended by Regulation (EEC) No 1906/87<sup>(8)</sup>, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(6)</sup> OJ No L 166, 25. 6. 1976, p. 36.

<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(8)</sup> OJ No L 182, 3. 7. 1987, p. 49.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last 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 refund must be fixed once a month; whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/79 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 29 July 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 29 July 1991 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 100	163,46	1104 23 10 100	175,14
1102 20 10 300	140,11	1104 23 10 300	134,27
1102 20 10 900	—	1104 23 10 900	—
1102 20 90 100	140,11	1104 29 11 000	—
1102 20 90 900	—	1104 29 15 000	—
1102 30 00 000	—	1104 29 19 000	—
1102 90 10 100	114,53	1104 29 91 000	88,02
1102 90 10 900	77,88	1104 29 95 000	94,62
1102 90 30 100	139,32	1104 30 10 000	22,01
1102 90 30 900	—	1104 30 90 000	29,19
1103 12 00 100	139,32	1107 10 11 000	156,68
1103 12 00 900	—	1107 10 91 000	135,90
1103 13 11 100	210,17	1108 11 00 200	176,04
1103 13 11 300	163,46	1108 11 00 300	176,04
1103 13 11 500	140,11	1108 11 00 800	—
1103 13 11 900	—	1108 12 00 200	186,82
1103 13 19 100	210,17	1108 12 00 300	186,82
1103 13 19 300	163,46	1108 12 00 800	—
1103 13 19 500	140,11	1108 13 00 200	186,82
1103 13 19 900	—	1108 13 00 300	186,82
1103 13 90 100	140,11	1108 13 00 800	—
1103 13 90 900	—	1108 14 00 200	—
1103 14 00 000	—	1108 14 00 300	—
1103 19 10 000	94,62	1108 14 00 800	—
1103 19 30 100	118,34	1108 19 10 200	184,73
1103 19 30 900	—	1108 19 10 300	184,73
1103 21 00 000	89,78	1108 19 10 800	—
1103 29 20 000	77,88	1108 19 90 200	—
1103 29 30 000	—	1108 19 90 300	—
1103 29 40 000	119,10	1108 19 90 800	—
1104 11 90 100	114,53	1109 00 00 100	0,00
1104 11 90 900	—	1109 00 00 900	—
1104 12 90 100	154,80	1702 30 51 000	244,03
1104 12 90 300	123,84	1702 30 59 000	186,82
1104 12 90 900	—	1702 30 91 000	244,03
1104 19 10 000	89,78	1702 30 99 000	186,82
1104 19 50 110	186,82	1702 40 90 000	186,82
1104 19 50 130	151,79	1702 90 50 100	244,03
1104 19 50 150	—	1702 90 50 900	186,82
1104 19 50 190	—	1702 90 75 000	255,70
1104 19 50 900	—	1702 90 79 000	177,48
1104 19 91 000	—	2106 90 55 000	186,82
1104 21 10 100	114,53	2302 10 10 000	22,49
1104 21 10 900	—	2302 10 90 100	22,49
1104 21 30 100	114,53	2302 10 90 900	—
1104 21 30 900	—	2302 20 10 000	22,49
1104 21 50 100	152,70	2302 20 90 100	22,49
1104 21 50 300	122,16	2302 20 90 900	—
1104 21 50 900	—	2302 30 10 000	22,49
1104 22 10 100	123,84	2302 30 90 000	22,49
1104 22 10 900	—	2302 40 10 000	22,49
1104 22 30 100	131,58	2302 40 90 000	22,49
1104 22 30 900	—	2303 10 11 100	93,41
1104 22 50 000	—	2303 10 11 900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

## COMMISSION REGULATION (EEC) No 2280/91

of 29 July 1991

## fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds <sup>(3)</sup>, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs <sup>(4)</sup>, as last amended by Regulation (EEC) No 944/87 <sup>(5)</sup>, provides that, when export refunds on cereal-based compound

feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs <sup>(6)</sup>, as last amended by Regulation (EEC) No 1931/91 <sup>(7)</sup>, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice <sup>(8)</sup>, as last amended by Regulation (EEC) No 3049/89 <sup>(9)</sup>, should be used;

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

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

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 60.

<sup>(5)</sup> OJ No L 90, 2. 4. 1987, p. 2.

<sup>(6)</sup> OJ No L 246, 30. 9. 1969, p. 11.

<sup>(7)</sup> OJ No L 174, 3. 7. 1991, p. 9.

<sup>(8)</sup> OJ No L 134, 28. 5. 1977, p. 53.

<sup>(9)</sup> OJ No L 292, 11. 10. 1989, p. 10.



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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last 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 refund must be fixed once a month ;  
whereas it may be altered in the intervening period ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 29 July 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 29 July 1991 fixing the export refunds on cereal-based compound feedingstuffs

<i>(ECU/tonne)</i>	
Product code	Amount of refund
2309 10 11 110	5,84
2309 10 13 110	5,84
2309 10 31 110	5,84
2309 10 33 110	5,84
2309 10 51 110	5,84
2309 10 53 110	5,84
2309 90 31 110	5,84
2309 90 33 110	5,84
2309 90 41 110	5,84
2309 90 43 110	5,84
2309 90 51 110	5,84
2309 90 53 110	5,84
2309 10 11 190	4,11
2309 10 13 190	4,11
2309 10 31 190	4,11
2309 10 33 190	4,11
2309 10 51 190	4,11
2309 10 53 190	4,11
2309 90 31 190	4,11
2309 90 33 190	4,11
2309 90 41 190	4,11
2309 90 43 190	4,11
2309 90 51 190	4,11
2309 90 53 190	4,11
2309 10 11 210	11,68
2309 10 13 210	11,68
2309 10 31 210	11,68
2309 10 33 210	11,68
2309 10 51 210	11,68
2309 10 53 210	11,68
2309 90 31 210	11,68
2309 90 33 210	11,68
2309 90 41 210	11,68
2309 90 43 210	11,68
2309 90 51 210	11,68
2309 90 53 210	11,68
2309 10 11 290	8,22
2309 10 13 290	8,22
2309 10 31 290	8,22
2309 10 33 290	8,22
2309 10 51 290	8,22
2309 10 53 290	8,22
2309 90 31 290	8,22
2309 90 33 290	8,22
2309 90 41 290	8,22
2309 90 43 290	8,22
2309 90 51 290	8,22
2309 90 53 290	8,22
2309 10 11 310	23,35
2309 10 13 310	23,35
2309 10 31 310	23,35
2309 10 33 310	23,35

*(ECU/tonne)*

Product code	Amount of refund
2309 10 51 310	23,35
2309 10 53 310	23,35
2309 90 31 310	23,35
2309 90 33 310	23,35
2309 90 41 310	23,35
2309 90 43 310	23,35
2309 90 51 310	23,35
2309 90 53 310	23,35
2309 10 11 390	16,44
2309 10 13 390	16,44
2309 10 31 390	16,44
2309 10 33 390	16,44
2309 10 51 390	16,44
2309 10 53 390	16,44
2309 90 31 390	16,44
2309 90 33 390	16,44
2309 90 41 390	16,44
2309 90 43 390	16,44
2309 90 51 390	16,44
2309 90 53 390	16,44
2309 10 31 410	35,03
2309 10 33 410	35,03
2309 10 51 410	35,03
2309 10 53 410	35,03
2309 90 41 410	35,03
2309 90 43 410	35,03
2309 90 51 410	35,03
2309 90 53 410	35,03
2309 10 31 490	24,66
2309 10 33 490	24,66
2309 10 51 490	24,66
2309 10 53 490	24,66
2309 90 41 490	24,66
2309 90 43 490	24,66
2309 90 51 490	24,66
2309 90 53 490	24,66
2309 10 31 510	46,70
2309 10 33 510	46,70
2309 10 51 510	46,70
2309 10 53 510	46,70
2309 90 41 510	46,70
2309 90 43 510	46,70
2309 90 51 510	46,70
2309 90 53 510	46,70
2309 10 31 590	32,88
2309 10 33 590	32,88
2309 10 51 590	32,88
2309 10 53 590	32,88
2309 90 41 590	32,88
2309 90 43 590	32,88
2309 90 51 590	32,88
2309 90 53 590	32,88
2309 10 31 610	58,38
2309 10 33 610	58,38
2309 10 51 610	58,38
2309 10 53 610	58,38
2309 90 41 610	58,38
2309 90 43 610	58,38

*(ECU / tonne)*

Product code	Amount of refund
2309 90 51 610	58,38
2309 90 53 610	58,38
2309 10 31 690	41,10
2309 10 33 690	41,10
2309 10 51 690	41,10
2309 10 53 690	41,10
2309 90 41 690	41,10
2309 90 43 690	41,10
2309 90 51 690	41,10
2309 90 53 690	41,10
2309 10 51 710	70,06
2309 10 53 710	70,06
2309 90 51 710	70,06
2309 90 53 710	70,06
2309 10 51 790	49,31
2309 10 53 790	49,31
2309 90 51 790	49,31
2309 90 53 790	49,31
2309 10 51 810	81,73
2309 10 53 810	81,73
2309 90 51 810	81,73
2309 90 53 810	81,73
2309 10 51 890	57,53
2309 10 53 890	57,53
2309 90 51 890	57,53
2309 90 53 890	57,53

The refunds in the above table are valid for the following destinations :

Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77 and Greenland.

*NB* : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

There are no refunds for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 not included in the above table.

## COMMISSION REGULATION (EEC) No 2281/91

of 29 July 1991

fixing the refunds applicable to cereal and rice sector products supplied as  
Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(4)</sup>, and in particular Article 11 (2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;Whereas Article 3 of Council Regulation (EEC) No 2746/75 <sup>(6)</sup> and Article 6 of Council Regulation (EEC) No 2744/75 <sup>(7)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(8)</sup>, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76 <sup>(9)</sup>;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations the refunds applicable for August 1991 to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

*Article 3*

This Regulation shall enter into force on 1 August 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.<sup>(5)</sup> OJ No L 288, 25. 10. 1974, p. 1.<sup>(6)</sup> OJ No L 281, 1. 11. 1975, p. 78.<sup>(7)</sup> OJ No L 281, 1. 11. 1975, p. 65.<sup>(8)</sup> OJ No L 182, 3. 7. 1987, p. 49.<sup>(9)</sup> OJ No L 166, 25. 6. 1976, p. 36.

## ANNEX

to the Commission Regulation of 29 July 1991 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 90 000	135,00
1001 90 99 000	92,00
1002 00 00 000	92,00
1003 00 90 000	75,00
1004 00 90 000	—
1005 90 00 000	75,00
1006 20 92 000	194,47
1006 20 94 000	194,47
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	243,09
1006 30 92 900	243,09
1006 30 94 100	243,09
1006 30 94 900	243,09
1006 30 96 100	243,09
1006 30 96 900	243,09
1006 40 00 000	—
1007 00 90 000	75,00
1101 00 00 100	120,00
1101 00 00 130	120,00
1102 20 10 100	163,46
1102 20 10 300	140,11
1102 30 00 000	—
1102 90 10 100	114,53
1103 11 10 500	202,50
1103 11 90 100	126,00
1103 13 19 100	210,17
1103 14 00 000	—
1104 12 90 100	154,80
1104 21 50 100	152,70

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

## COMMISSION REGULATION (EEC) No 2282/91

of 29 July 1991

## fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1849/91<sup>(3)</sup>, as last amended by Regulation (EEC) No 2254/91<sup>(4)</sup>;

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

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

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

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

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

Whereas these exchange rates being those recorded on 26 July 1991,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 July 1991.

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 5. 7. 1991, p. 14.

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

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

<sup>(4)</sup> OJ No L 204, 27. 7. 1991, p. 46.

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

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

## ANNEX

## to the Commission Regulation of 29 July 1991 fixing the import levies on white sugar and raw sugar

*(ECU/100 kg)*

CN code	Levy
1701 11 10	32,23 <sup>(1)</sup>
1701 11 90	32,23 <sup>(1)</sup>
1701 12 10	32,23 <sup>(1)</sup>
1701 12 90	32,23 <sup>(1)</sup>
1701 91 00	39,11
1701 99 10	39,11
1701 99 90	39,11 <sup>(2)</sup>

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

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



## COMMISSION REGULATION (EEC) No 2283/91

of 29 July 1991

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(4)</sup>, and in particular Article 12 (4) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(6)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1886/91<sup>(7)</sup>, as last amended by Regulation (EEC) No 2256/91<sup>(8)</sup>;Whereas Council Regulation (EEC) No 1906/87<sup>(9)</sup> amended Council Regulation (EEC) No 2744/75<sup>(10)</sup> as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

(<sup>1</sup>) OJ No L 281, 1. 11. 1975, p. 1.  
 (<sup>2</sup>) OJ No L 353, 17. 12. 1990, p. 23.  
 (<sup>3</sup>) OJ No L 166, 25. 6. 1976, p. 1.  
 (<sup>4</sup>) OJ No L 177, 24. 6. 1989, p. 1.  
 (<sup>5</sup>) OJ No L 164, 24. 6. 1985, p. 1.  
 (<sup>6</sup>) OJ No L 201, 31. 7. 1990, p. 9.  
 (<sup>7</sup>) OJ No L 168, 29. 6. 1991, p. 88.  
 (<sup>8</sup>) OJ No L 204, 27. 7. 1991, p. 49.  
 (<sup>9</sup>) OJ No L 182, 3. 7. 1987, p. 49.  
 (<sup>10</sup>) OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 26 July 1991;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74<sup>(11)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(12)</sup>, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1886/91 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 30 July 1991.

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

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

Done at Brussels, 29 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX

to the Commission Regulation of 29 July 1991 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) <sup>(*)</sup>
1102 20 10	229,81	235,85
1102 20 90	130,22	133,24
1103 13 11	229,81	235,85
1103 13 19	229,81	235,85
1103 13 90	130,22	133,24
1103 29 40	229,81	235,85
1104 19 50	229,81	235,85
1104 23 10	204,27	207,29
1104 23 30	204,27	207,29
1104 23 90	130,22	133,24
1104 30 90	95,75	101,79
1106 20 91	201,92 <sup>(*)</sup>	226,10
1106 20 99	201,92 <sup>(*)</sup>	226,10
1108 12 00	205,55	226,10
1108 13 00	205,55	226,10 <sup>(*)</sup>
1108 14 00	102,77	226,10
1108 19 90	102,77 <sup>(*)</sup>	226,10
1702 30 51	268,11	364,83
1702 30 59	205,55	272,04
1702 30 91	268,11	364,83
1702 30 99	205,55	272,04
1702 40 90	205,55	272,04
1702 90 50	205,55	272,04
1702 90 75	280,87	377,59
1702 90 79	195,34	261,83
2106 90 55	205,55	272,04
2303 10 11	255,34	436,68

<sup>(\*)</sup> In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

<sup>(\*)</sup> Pursuant to Regulation (EEC) No 3899/89, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed amount of 5 000 tons.

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

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 22 July 1991

providing medium-term financial assistance for Romania

(91/384/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission<sup>(1)</sup>, submitted following consultation within the Monetary Committee,

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

Whereas Romania is undertaking fundamental political and economic reforms and has decided to adopt a market economy model;

Whereas the said reforms are already under implementation and their financial support from the Community will strengthen mutual confidence and bring Romania closer to the Community;

Whereas, following the changes in the international environment, the Romanian economy is in deep recession and facing external shocks which might sharply deteriorate its balance of payments and weaken its precarious reserve position;

Whereas the Romanian authorities have requested financial assistance from the International Monetary Fund (IMF), the Group of 24 Industrial Countries and the Community; whereas, over and above the estimated financing which could be provided by the IMF and the World Bank, a financial gap of some ECU 750 million remains to be covered in 1991, in order to prevent a further erosion of Romania's reserve position and avoid an additional degree of import compression, which could

seriously jeopardize the achievement of the policy objectives underlying the Government's reform effort;

Whereas the Commission, as coordinator of assistance from the Group of 24, has invited them and other third countries to provide medium-term financial assistance to Romania;

Whereas the grant by the Community of a medium-term loan to Romania is an appropriate measure to support that country's balance of payments and strengthen its reserve position;

Whereas the question of the risks associated with guarantees from the general budget of the European Communities will be examined in the context of the renewal in 1992 of the Interinstitutional Agreement on budgetary discipline and improvement of the budgetary procedure;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Community shall grant to Romania a medium-term loan facility of a maximum amount of ECU 375 million in principal, with a maximum duration of seven years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the reserve position.

2. To this end, the Commission is empowered to borrow, on behalf of the Community, the necessary resources that will be placed at the disposal of Romania in the form of a loan.

<sup>(1)</sup> OJ No C 121, 7. 5. 1991, p. 5.

<sup>(2)</sup> OJ No C 158, 17. 6. 1991.

3. This loan will be managed by the Commission in full consultation with the Monetary Committee and in a manner consistent with any Agreement reached between the IMF and Romania.

#### *Article 2*

1. The Commission is empowered to negotiate with the Romanian authorities, after consultation with the Monetary Committee, the economic policy conditions attached to the loan. These conditions shall be consistent with any agreement as referred to in Article 1 (3) and with arrangements made by the Group of 24.

2. The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close coordination with the Group of 24 and the IMF, that the economic policy in Romania is in accordance with the objectives of this loan and that its conditions are being fulfilled.

#### *Article 3*

1. The loan shall be made available to Romania in two instalments. The first instalment shall be released as soon as a 'stand-by arrangement' has been concluded between Romania and the IMF and the second instalment not before the fourth quarter of 1991, subject to Article 2 (2).

2. The funds shall be paid to the National Bank of Romania.

#### *Article 4*

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transforma-

tion of maturities, in any exchange or interest-rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Romania so decides, to include in the loan conditions, and also to exercise, an early repayment clause.

3. At the request of Romania, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Romania.

5. The Monetary Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

#### *Article 5*

At least once a year the Commission shall address to the European Parliament and to the council a report, which will include an assessment, on the implementation of this Decision.

Done at Brussels, 22 July 1991.

*For the Council*

*The President*

P. DANKERT

## COUNCIL DECISION

of 22 July 1991

establishing the second phase of the Tedis programme (Trade electronic data interchange systems)

(91/385/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas one of the Community's tasks is, by establishing a common market and gradually reducing the gap between the economic policies of the Member States, to promote the harmonious development of economic activities throughout the Community and closer relations between its constituent States;

Whereas the Commission White Paper on the completion of the internal market stresses the importance of the future development of new transfrontier services and the contribution made by telecommunications networks based on common standards towards the creation of a market free of barriers at Community level;

Whereas the exchange of computerized data (EDI) can contribute increasingly towards the competitiveness of European undertakings in the production and services sectors;

Whereas there is rapid growth at present in public and private initiatives for putting into service within a company or group of companies or sector of activity, at national and international level, electronic data interchange systems which are not compatible;

Whereas, as regards electronic data interchange, the diversity and fragmentation of initiatives taken at national level or more generally by a company, group of companies or sector of activity may lead to the creation of incompatible and non-communicating systems and to preventing suppliers of equipment and services, and users, from deriving

maximum benefit from the advantages created by the growth in electronic data interchange;

Whereas, in line with the Council Resolution of 22 January 1990 on trans-European networks <sup>(4)</sup> and the conclusions of the Strasbourg and Dublin European Councils, the smooth running of the internal market depends on undertakings and authorities involved in it being able to exchange data as part of their activities by making use of compatible systems which enable genuine pan-European data interchange networks to be developed;

Whereas Tedis needs in particular to be dovetailed with the specific programme of research and technological development in communications technology (1990 to 1994), the specific programme of research and technological development in the field of telematics systems of general interest (1990 to 1994) and the specific programme for information technology (1990 to 1994) which are part of the Community's third framework research programme;

Whereas the work already initiated in the field of electronic data interchange (EDI) during the first phase of the Tedis programme (1988 to 1989) established by Decision 87/499/EEC <sup>(5)</sup> makes it possible to envisage the establishment of such pan-European networks, provided that this work is continued and expanded by instituting a second phase to the programme;

Whereas a programme lasting three years is called for;

Whereas an amount of ECU 25 million is estimated as necessary to implement this multi-annual programme; whereas, for the period 1991 to 1992, in the framework of the current financial perspective, the funds estimated as necessary are ECU 10 million;

Whereas the amounts to be committed for the financing of the programme for the period after the budget year 1992 will have to fall within the Community financial framework in force;

<sup>(1)</sup> OJ No C 311, 12. 12. 1990, p. 6.

<sup>(2)</sup> OJ No C 106, 22. 4. 1991, p. 167.

<sup>(3)</sup> OJ No C 102, 18. 4. 1991, p. 13.

<sup>(4)</sup> OJ No C 27, 6. 2. 1990, p. 8.

<sup>(5)</sup> OJ No L 285, 8. 10. 1987, p. 35.

Whereas, by Decision 89/241/EEC <sup>(1)</sup>, the Council amended the initial Decision on the Tedis programme to allow non-member countries, in particular Member States of the European Free Trade Association (EFTA), to be associated with the Tedis programme and, in accordance with Article 228 of the Treaty, authorized the Commission to negotiate agreements with the EFTA Member States;

Whereas, by Decision 89/689/EEC <sup>(2)</sup>, 89/690/EEC <sup>(3)</sup>, 89/691/EEC <sup>(4)</sup>, 89/692/EEC <sup>(5)</sup>, 89/693/EEC <sup>(6)</sup> and 89/694/EEC <sup>(7)</sup>, the Council approved the agreements on systems for the electronic transfer of data for commercial use concluded between the European Economic Community and, respectively, Austria, Finland, Iceland, Norway, Sweden and Switzerland;

Whereas the Treaty does not provide, for the adoption of this Decision, powers of action other than those of Article 235,

HAS DECIDED AS FOLLOWS:

#### Article 1

1. A second phase of the Tedis (Trade electronic data interchange systems) Community programme concerning the exchange of electronic data (EDI) in trade, industry and administration, hereinafter called the 'programme', is hereby set up.

The programme shall last three years.

2. The Community financial resources estimated as necessary for its implementation amount to ECU 25 million, of which ECU 10 million is for the period 1991 to 1992 in the framework of the 1988 to 1992 financial perspective.

For the subsequent period of implementation of the programme, the amount shall fall within the Community financial framework in force.

3. The budget authority shall determine the appropriations available for each financial year, taking into account the principles of sound management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

#### Article 2

The objectives of the programme are to ensure that electronic data interchange systems are established to the best

effect, in view of the socio-economic importance of such systems, and to mobilize the necessary resources to achieve this end at Community level.

#### Article 3

In order to achieve the objectives defined in Article 2, measures will be taken and continued in the following areas:

- standardization of EDI messages,
- specific EDI needs as regards telecommunications,
- legal aspects of EDI,
- security of EDI messages,
- multi-sector and Europe-wide projects,
- analysis of the impact of EDI on company management,
- information campaigns.

A list of the proposed measures is given in Annex I. These measures shall be implemented under the procedures provided for in Articles 6 and 7.

#### Article 4

The implementation of the programme shall be coordinated with existing or planned Community policies and activities concerning telecommunications particularly in respect, where necessary, of initiatives under the Open Network Provision Framework Directive (90/387/EEC) <sup>(1)</sup>, the information market (Impact programme), security of information systems and standardization, and in particular with the Caddia programme and the CD project, so as to ensure the necessary interaction with the specific requirements of the exchange of electronic data.

#### Article 5

Contracts arising from the programme shall be concluded with undertakings, including small and medium-sized enterprises, research establishments, national administrations and other bodies established in the Community, in the member countries of the European Free Trade Association or in a third country with which the Community has concluded an agreement associating that country with the programme.

#### Article 6

1. The Commission shall be responsible for implementing the programme. The Commission shall be assisted by a Committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

<sup>(1)</sup> OJ No L 192, 24. 7. 1990, p. 1.

<sup>(1)</sup> OJ No L 97, 11. 4. 1989, p. 46.

<sup>(2)</sup> OJ No L 400, 30. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 400, 30. 12. 1989, p. 6.

<sup>(4)</sup> OJ No L 400, 30. 12. 1989, p. 11.

<sup>(5)</sup> OJ No L 400, 30. 12. 1989, p. 16.

<sup>(6)</sup> OJ No L 400, 30. 12. 1989, p. 21.

<sup>(7)</sup> OJ No L 400, 30. 12. 1989, p. 26.

3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

#### *Article 7*

1. Notwithstanding the provisions of Article 6, the following procedure shall apply in drawing up the work programme as set out in Annex I, the breakdown of the relevant budgetary expenditure and the assessment of projects and actions provided for in that Annex of a total value of above ECU 200 000, and the estimated amount of the Community's contribution to them.

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

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in

accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

4. In that event, the Commission shall defer application of the measures which it has decided for a period of three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the foregoing subparagraph.

#### *Article 8*

At the end of the Tedis programme, the Commission shall present to the European Parliament, the Council and the Economic and Social Committee a final report containing an assessment by independent experts of the progress made towards each of the objectives set under the programme on the basis of the criteria and indicators as set out in Annex II to this Decision.

#### *Article 9*

This Decision shall take effect on 1 July 1991.

Done at Brussels, 22 July 1991.

*For the Council*

*The President*

P. DANKERT

*ANNEX I***1. Standardization of EDI messages :**

- support the development work of the international Edifact standard and in particular the work of the Edifact Board for Western Europe ; coordinate work regarding elaboration of Edifact messages and provide the necessary technical assistance,
- supply the appropriate means to ensure conformity to Edifact of, on the one hand, EDI messages and, on the other hand, of conversion software,
- adapt, if necessary, the Edifact standard to take account of the new developments in EDI, such as graphical EDI, technical EDI and interactive EDI,
- support 'migration' towards the use of international standards and particularly towards the use of Edifact,
- seek compatibility between the American standard ANSI X12 and the international Edifact standard.

**2. Specific EDI needs as regards telecommunications :**

- to make proposals for improving technical interconnectivity between EDI users in Europe, ensuring close liaison with existing Community activities in this area and in particular ONP, namely :
  - (a) encouraging the use of standardized communication protocols suitable for EDI in underlying services, especially P-edl, X.400 (1988) or X.500, coordinating where necessary with the ONP plans to harmonize for instance standards for packet switched data services and leased lines ;
  - (b) encouraging the existence of gateways between existing EDI services ;
  - (c) helping to establish a system of registration authorities, to ensure the solution of the problem of identifying the names and addresses of EDI users in a multisectorial and trans-European context,
- to encourage the increased use of integrated services digital networks for EDI,
- to favour the gathering of the EDI interest groups dealing with telecommunications aspects,
- to encourage the practice of 'one-stop shopping/billing' concepts in EDI.

**3. Legal aspects of EDI :**

- finalize the draft European EDI agreement,
- set up and investigate thoroughly the constraints and needs of a legal nature in specific areas,
- undertake the thorough legal analysis of media and means of storage and of the electronic signatures for EDI messages,
- prepare a discussion document on the adaptation and harmonization of European legislations in order to integrate into the legal regimes the necessary provisions for the use of EDI ; define the proposal of adaptation and harmonization required,
- ensure, from a legal aspect, that functions accomplished by EDI messages are also valid in order to carry out functions of a legal and reglementary nature,
- analyse the impact of EDI messages on the traditional functions of negotiability,
- follow the issues of data protection and confidential data in order to take account of the specific needs which could arise with the development of EDI,
- ensure the coordination between Member States on legal matters in connection with EDI and participate in the international coordination.

**4. Security of EDI messages :**

- create an informal expert group in this specific area,
- organize each year workshops which will treat different themes related to the security of EDI messages,
- increase the awareness of EDI users and of other appropriate groups to EDI message security,
- facilitate the development of procedures, methods, services and standards related to EDI security,



- examine the user environment ; identify the constraints, quantify the risks and investigate, if possible, an appropriate model to ensure EDI security,
- examine the security requirements related to new forms of EDI and the impact of new technologies,
- evaluate the services and products available to ensure the security of EDI messages, and if necessary examine the question of certification,
- examine from the EDI security viewpoint open multi-service environments.

**5. Multi-sector and Europe-wide projects :**

- establish and keep up-to-date a permanent inventory of existing or potential EDI projects in Europe,
- ensure the coordination of sectoral projects to meet industry and user needs,
- support of development of an intersectoral forum for EDI measures,
- encourage the launch of intersectoral projects to meet industry and user needs,
- encourage the participation of national administrations and Community institutions in the intersectoral projects,
- support the promotion of EDI systems to ensure wider use of EDI in Europe,
- identify long-term actions liable to progressively stimulate and interface EDI systems in countries of the Mediterranean, in Central and Eastern Europe.

**6. Analysis of the impact of EDI on company management :**

- identify and analyse changes in the methods of management and organization brought about by the introduction of EDI ; small and medium-sized enterprises (SMEs) should particularly be taken into account,
- examine the economic and social effects of EDI,
- measure up the cost benefit of introducing EDI in private or public sectors,
- elaboration of a general implantation model of EDI in administrations, private and public enterprises,
- study the opportuneness of setting up a mechanism of coordination on a European level with regard to intercompany relations based on EDI.

**7. Information campaigns :**

- conduct regular surveys on the development of EDI in Europe and of available EDI products and services,
- undertake detailed studies more particularly of certain countries, regions or industrial sectors,
- publish the studies, analyses and other results of actions undertaken within the framework of the programme,
- support the setting up of national and/or regional awareness centres. Ensure the coordination, the provision of material support and contribution to their awareness activities,
- encourage in particular actions designed to make SMEs more aware of EDI.

*ANNEX II***Guidelines for assessing progress made towards the objectives of the Tedis programme**

In order to achieve the objectives defined in Article 2, several measures, referred to in Article 3, will be taken and continued. The progress thereby achieved will then be assessed.

1. For *standardization*, this will mean assessing the influence of the Tedis programme on:
    - (a) the development and use of the Edifact standard in Western Europe;
    - (b) the availability and use of conversion software and its conformity to the international Edifact standard.
  2. *Interconnection of EDI services*: assessment of the Tedis programme's impact on the capacity of data networks to operate together and the availability of Europe-wide EDI services.
  3. *Legal aspects*: examination of how the measures taken under the Tedis programme have helped ensure the legal validity of EDI data interchange in each Member State and how they have encouraged the introduction of 'paperless trading'.
  4. *Security of messages*: examination of how the Tedis programme has helped protect the EDI message itself and the security of EDI messages in an interlinked business environment.
  5. *Multi-sector and Europe-wide projects*: measuring how far support for the launching of multi-sectoral pilot projects has contributed towards the sectoral and geographical integration of EDI projects.
  6. *Management*: assessment of the value of studies and analyses — in particular concerning SMEs — carried out under the Tedis programme to assess the impact of EDI on company management and its economic and social impact.
  7. *Information campaigns*: assessment of the impact of measures — in particular concerning SMEs — taken under the Tedis programme on the use of EDI in Western Europe.
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**COUNCIL DECISION**  
of 22 July 1991  
appointing a member of the Economic and Social Committee

(91/386/EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain Institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 17 December 1990 appointing Mr François Willekens a member of the Economic and Social Committee for the period ending on 20 September 1994<sup>(1)</sup>.

Whereas a seat has become vacant on the above Committee as a result of the incompatibility of Mr François Willekens as from 6 January 1991,

Having regard to the nominations submitted by the Permanent Representation of Belgium on 28 May 1991,

Having obtained the favourable opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Ronald Janssens is hereby appointed member of the Economic and Social Committee in place of Mr François Willekens for the remainder of his term of office, which runs until 20 September 1994.

Done at Brussels, 22 July 1991.

*For the Council*

*The President*

P. DANKERT

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<sup>(1)</sup> OJ No L 360, 22. 12. 1990, p. 81.

**Information concerning the entry into force of the Cooperation Agreement between the European Economic Community, of the one part, and the Argentine Republic, of the other part<sup>(1)</sup>**

Since the exchange of the instruments of notification of the completion of the procedures necessary for the entry into force of the above Agreement, signed in Luxembourg on 2 April 1990, was concluded on 8 July 1991, this Agreement will, pursuant to Article 11 thereof, enter into force on 1 August 1991.

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<sup>(1)</sup> OJ No L 295, 26. 10. 1990, p. 66.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 1419/91 of 15 May 1991 amending Regulation (EEC) No 4142/87 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end use**

*(Official Journal of the European Communities No L 135 of 30 May 1991)*

On page 32 in Article 1 (4), third line of new Article 11a (2), after the word 'transfer' insert:  
'of the motor vehicle or from the moment of the transfer'.

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Corrigendum to the *Official Journal of the European Communities* No L 197 of 20 July 1991

Page 5 is hereby replaced by the following :

**COMMISSION REGULATION (EEC) No 2126/91**  
**of 19 July 1991**  
**fixing the import levies on rice and broken rice**

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(2)</sup>, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 <sup>(3)</sup>, as last amended by Regulation (EEC) No 674/91 <sup>(4)</sup>, and in particular Article 8 thereof,

Whereas the import levies on rice 230/91 broken rice were fixed by Commission Regulation (EEC) No 915/91 <sup>(5)</sup>, as last amended by Regulation (EEC) No 1978/91 <sup>(6)</sup>,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 July 1991.

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

Done at Brussels, 19 July 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 21. 3. 1991, p. 29.

<sup>(5)</sup> OJ No L 92, 13. 4. 1991, p. 5.

<sup>(6)</sup> OJ No L 187, 13. 7. 1991, p. 6.