

English edition

## Legislation

### Contents

#### I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 3099/91 of 24 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal .....	1
Commission Regulation (EEC) No 3100/91 of 24 October 1991 fixing the premiums to be added to the import levies on cereals, flour and malt .....	3
Commission Regulation (EEC) No 3101/91 of 24 October 1991 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products .....	5
Commission Regulation (EEC) No 3102/91 of 24 October 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1 .....	8
Commission Regulation (EEC) No 3103/91 of 24 October 1991 adopting interim protective measures in regard to applications for STM licences for milk and milk products lodged between 14 and 18 October 1991 in regard to Spain .....	11
* Commission Regulation (EEC) No 3104/91 of 23 October 1991 re-establishing the levying of customs duties on products falling within CN code 4106 20 00, originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply .....	12
* Commission Regulation (EEC) No 3105/91 of 23 October 1991 re-establishing the levying of customs duties on products of category 19 (order No 40.0190) originating in Malaysia, to which the preferential tariff arrangement set out in Council Regulation (EEC) No 3832/90 apply .....	13
* Commission Regulation (EEC) No 3106/91 of 24 October 1991 on a protective measure applicable to imports of provisionally preserved cultivated mushrooms .....	14

Contents (continued)

* Commission Regulation (EEC) No 3107/91 of 24 October 1991 amending Regulation (EEC) No 3007/84 laying down detailed rules for the application of the premium for producers of sheepmeat .....	16
* Commission Regulation (EEC) No 3108/91 of 24 October 1991 amending Regulation (EEC) No 2729/81 as regards the refund on exports to the Soviet Union .....	17
Commission Regulation (EEC) No 3109/91 of 24 October 1991 amending Regulation (EEC) No 2909/91 introducing a countervailing charge on fresh lemons originating in Argentina .....	18
Commission Regulation (EEC) No 3110/91 of 24 October 1991 fixing the export refunds on milk and milk products .....	19
Commission Regulation (EEC) No 3111/91 of 24 October 1991 fixing the export refunds on cereals and on wheat or rye flour, groats and meal .....	39

---

II *Acts whose publication is not obligatory*

**Commission**

91/538/EEC :

* Commission Decision of 7 May 1991 on the animal health and production fund in Belgium .....	43
---	----

91/539/EEC :

* Commission Decision of 4 October 1991 laying down implementing rules for Decision 91/426/EEC (Animo) .....	47
--	----

91/540/EEC :

* Commission Decision of 14 October 1991 amending Decision 88/139/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by the Federal Republic of Germany pursuant to Regulation (EEC) No 4028/86 .....	49
---	----

91/541/EEC :

* Commission Decision of 15 October 1991 amending Decisions 91/146/EEC concerning protective measures against cholera in Peru, 91/281/EEC concerning importations of fishery and aquaculture products from Ecuador and 91/282/EEC concerning importations of fishery and aquaculture products from Colombia .....	51
---	----

## I

(Acts whose publication is obligatory)

## COMMISSION REGULATION (EEC) No 3099/91

of 24 October 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 2661/91 <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 23 October 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 2661/91 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 25 October 1991.

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

Done at Brussels, 24 October 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 250, 7. 9. 1991, p. 1.

## ANNEX

## to the Commission Regulation of 24 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	119,40 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	119,40 <sup>(2)</sup> <sup>(3)</sup>
1001 10 10	172,55 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	172,55 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	149,62
1001 90 99	149,62
1002 00 00	161,41 <sup>(4)</sup>
1003 00 10	136,52
1003 00 90	136,52
1004 00 10	123,85
1004 00 90	123,85
1005 10 90	119,40 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	119,40 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	132,67 <sup>(5)</sup>
1008 10 00	48,47
1008 20 00	121,60 <sup>(6)</sup>
1008 30 00	59,35 <sup>(7)</sup>
1008 90 10	(7)
1008 90 90	59,35
1101 00 00	222,47 <sup>(8)</sup>
1102 10 00	238,98 <sup>(8)</sup>
1103 11 10	280,64 <sup>(8)</sup>
1103 11 90	239,76 <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 3100/91

of 24 October 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 23 October 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 25 October 1991.

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

Done at Brussels, 24 October 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 24 October 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
	10	11	12	1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 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
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period	4th period
	10	11	12	1	2
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 3101/91

of 24 October 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 1720/91<sup>(2)</sup>, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria<sup>(3)</sup>, as last amended by Regulation (EEC) No 728/91<sup>(4)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco<sup>(5)</sup>, as last amended by Regulation (EEC) No 729/91<sup>(6)</sup>, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey<sup>(9)</sup>, as last amended by Regulation (EEC) No 730/91<sup>(10)</sup>, and in particular Article 10 (2) thereof,

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 21 and 22 October 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

This Regulation shall enter into force on 25 October 1991.

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

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

<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.

<sup>(4)</sup> OJ No L 80, 27. 3. 1991, p. 1.

<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.

<sup>(6)</sup> OJ No L 80, 27. 3. 1991, p. 2.

<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.

<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.

<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(10)</sup> OJ No L 80, 27. 3. 1991, p. 3.

<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 24 October 1991.

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

---



## ANNEX I

## Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	60,00 <sup>(1)</sup>
1509 10 90	60,00 <sup>(1)</sup>
1509 90 00	70,00 <sup>(2)</sup>
1510 00 10	77,00 <sup>(1)</sup>
1510 00 90	122,00 <sup>(3)</sup>

<sup>(1)</sup> For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

<sup>(2)</sup> For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

<sup>(3)</sup> For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

## ANNEX II

## Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	13,20
0711 20 90	13,20
1522 00 31	30,00
1522 00 39	48,00
2306 90 19	6,16

**COMMISSION REGULATION (EEC) No 3102/91**  
of 24 October 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80<sup>(3)</sup>, as last amended by Regulation (EEC) No 1075/89<sup>(4)</sup>, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning the 30 September 1991, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning the 30 September 1991, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 1, being fixed in accordance with those Annexes;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning the 30 September 1991, the level of the premium is fixed at ECU 83,70 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning the 30 September 1991, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

*Article 3*

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

It shall apply with effect from 30 September 1991.

<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 154, 9. 6. 1984, p. 27.

<sup>(4)</sup> OJ No L 114, 27. 4. 1989, p. 13.

<sup>(5)</sup> OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 24 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

## ANNEX

to the Commission Regulation of 24 October 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	39,339	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	83,701	0
0204 21 00	83,701	0
0204 50 11		0
0204 22 10	58,591	
0204 22 30	92,071	
0204 22 50	108,811	
0204 22 90	108,811	
0204 23 00	152,336	
0204 30 00	62,776	
0204 41 00	62,776	
0204 42 10	43,943	
0204 42 30	69,054	
0204 42 50	81,609	
0204 42 90	81,609	
0204 43 00	114,252	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	108,811	
0210 90 19	152,336	
1602 90 71 :		
— unboned (bone-in)	108,811	
— boned or boneless	152,336	

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

**COMMISSION REGULATION (EEC) No 3103/91**

of 24 October 1991

**adopting interim protective measures in regard to applications for STM licences for milk and milk products lodged between 14 and 18 October 1991 in regard to Spain**

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 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86<sup>(1)</sup> laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and from Portugal, as last amended by Regulation (EEC) No 334/91<sup>(2)</sup>, fixes the indicative ceilings for milk sector products for 1991 and splits these up into monthly ceilings;

Whereas applications in the Community of Ten and Portugal for STM licences for milk of a net content not exceeding two litres lodged between 14 and 18 October 1991 relate to quantities higher than the ceiling set for the fourth quarter;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the initiative ceiling will be attained or exceeded; whereas to this it is necessary, as an interim

protective measure, in view of the number of requests, for the products concerned, to issue licences up to a percentage of the quantities applied for the milk and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications in the Community of Ten and Portugal for STM licences as referred to in Regulation (EEC) No 606/86 from 14 and 18 October 1991 for milk of a net content not exceeding two litres, falling within CN codes ex 0401, 0403 and ex 0404, are hereby accepted up to a percentage of 60 %.

2. The issuing of STM licences is hereby provisionally suspended for the abovementioned products above the percentage referred to in paragraph 1.

*Article 2*

This Regulation shall enter into force on 25 October 1991.

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

Done at Brussels, 24 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 58, 1. 3. 1986, p. 28.

<sup>(2)</sup> OJ No L 39, 13. 2. 1991, p. 15.

**COMMISSION REGULATION (EEC) No 3104/91**  
of 23 October 1991

**re-establishing the levying of customs duties on products falling within CN code 4106 20 00, originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 4106 20 00, originating in Pakistan, the individual ceiling was fixed at ECU 2 756 000; whereas, on 21 March 1991, imports of these products into the Community originating in Pakistan reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Pakistan,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 28 October 1991, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Pakistan:

Order No	CN code	Description
10.0540	4106 20 00	Goat or kid skin leather, without hair on, other than leather of heading No 4108 or 4109 — Parchment-dressed or prepared after tanning

*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, 23 October 1991.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 31. 12. 1990, p. 1.

## COMMISSION REGULATION (EEC) No 3105/91

of 23 October 1991

re-establishing the levying of customs duties on products of category 19 (order No 40.0190) originating in Malaysia, to which the preferential tariff arrangement set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries<sup>(1)</sup>, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 19 (order No 40.0190), originating in Malaysia, the relevant ceiling amounts to 1 746 000 pieces;

Whereas on 16 July 1991 imports of the products in question into the Community, originating in Malaysia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Malaysia,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 28 October 1991 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Malaysia:

Order No	Category (unit)	CN code	Description
40,0190	19 (1 000 pieces)	6213 20 00 6213 90 00	Handkerchiefs other than knitted or crocheted

*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, 23 October 1991.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 31. 12. 1990, p. 39.

## COMMISSION REGULATION (EEC) No 3106/91

of 24 October 1991

on a protective measure applicable to imports of provisionally preserved cultivated mushrooms

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 18 <sup>(2)</sup> thereof,

Whereas Council Regulation (EEC) No 521/77 <sup>(3)</sup> lays down detailed rules for applying protective measures in the market in products processed from fruit and vegetables;

Whereas quantities of cultivated mushrooms provisionally preserved, but unsuitable for consumption in that state, released for free circulation in the Community have increased since the beginning of 1990;

Whereas the levels of prices applying in the main third country supplying the Community for the 1990/91 marketing year are lower than those for similar products obtained in the Community; whereas it is accordingly difficult to market the latter;

Whereas Commission Regulation (EEC) No 2891/90 of 5 October 1990 on the issue of import licences for provisionally preserved cultivated mushrooms <sup>(4)</sup> fixes the maximum quantity of that product which may be released for free circulation in 1990; whereas Regulations (EEC) No 3758/90 <sup>(5)</sup>, (EEC) No 809/91 <sup>(6)</sup> and (EEC) No 2162/91 <sup>(7)</sup> on protective measures applicable to imports of provisionally preserved cultivated mushrooms have fixed a maximum quantity respectively for the periods 1 January to 31 March 1991, 1 April to 31 July 1991 and 1 August to 31 October 1991;

Whereas there is a danger that from 1 November 1991 applications for import licences may be excessive in relation to actual requirements and may be submitted for speculative reasons pending the entry into force of new regulations on the tariff classification of certain provisionally preserved mushrooms and the relevant adaptation of the import arrangements for the mushrooms in question and in view of the uncertain outcome of the discussions

on the subject now under way with certain exporting countries; whereas this could create serious disturbances on the Community market, which could undermine the objectives of Article 39 of the Treaty; whereas protective measures must therefore be applied from 1 November 1991;

Whereas the protective measures must be such as to prevent large-scale imports during a very limited period; whereas, to that end, taking into consideration the criteria laid down in Regulation (EEC) No 521/77 and pending the entry into force of the abovementioned measures and the outcome of the discussions referred to above, the quantities of the product in question which may be released for free circulation for the rest of the year should be determined on the basis of the quantities imported during the same period in the preceding year and of a rate of increase in line with the smooth development of trade;

Whereas, in order to ensure that the said quantity is properly used and to avoid the submission of applications for speculative reasons, the bulk of the quantity should be reserved for importers who in the past obtained supplies of provisionally preserved cultivated mushrooms on the basis of the quantities they obtained in 1989 and 1990, while access to that quantity should be maintained for new importers;

Whereas, lastly, the additional rules necessary for the issue of the licences should be laid down; whereas such rules are complementary to or derogate from the provisions of Commission Regulation (EEC) No 2405/89 of 1 August 1989 laying down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables <sup>(8)</sup>, as last amended by Regulation (EEC) No 2641/91 <sup>(9)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the period 1 November to 31 December 1991, import licences shall be issued for 4 700 tonnes of cultivated mushrooms provisionally preserved but unsuitable for consumption in that state and covered by CN code ex 0711 90 50.

<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 73, 21. 3. 1977, p. 28.

<sup>(4)</sup> OJ No L 276, 6. 10. 1990, p. 29.

<sup>(5)</sup> OJ No L 360, 22. 12. 1990, p. 49.

<sup>(6)</sup> OJ No L 82, 28. 3. 1991, p. 47.

<sup>(7)</sup> OJ No L 201, 24. 7. 1991, p. 12.

<sup>(8)</sup> OJ No L 227, 4. 8. 1989, p. 34.

<sup>(9)</sup> OJ No L 247, 5. 9. 1991, p. 11.



2. Import licences shall be applied for and issued in accordance with Regulation (EEC) No 2405/89, without prejudice to the specific provisions of this Regulation.

#### *Article 2*

1. The quantity fixed in Article 1 (1) shall be allocated as follows:

- (a) 4 000 tonnes to importers who have submitted applications for import licences for the products in question in the course of 1989 and 1990;
- (b) 700 tonnes to importers who do not fulfil the condition set out in (a).

However, where the quantities specified in (a) or (b) is not applied for, or is only partially applied for, the quantity available shall be allocated to the other group of importers who have submitted applications.

- 2. (a) No application for a licence submitted by an importer as referred to in paragraph 1 (a) may relate to a quantity in excess of 8 % of the quantity supplied to that importer in 1989 and 1990.
- (b) No application for a licence submitted by an importer as referred to in paragraph 1 (b) may relate to a quantity in excess of 15 % of the quantity shown therein.

#### *Article 3*

Applications for import licences shall be submitted to the competent authorities of the Member States on 29 and 30 October 1991. Those authorities shall forward the applications to the Commission by 4 p.m. on 31 October 1991 at the latest, distinguishing between the quantities applied for under points (a) and (b) of Article 2 (1).

#### *Article 4*

By 4 November 1991 at the latest, the Commission shall fix and communicate by telex to the Member States the quantities for which licences are to be issued for each of the two categories of applications mentioned in Article 2 (1).

#### *Article 5*

The licences for which applications are forwarded pursuant to Article 3 shall be issued on 5 November 1991. The term of validity may not extend beyond 31 December 1991.

#### *Article 6*

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, 24 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## COMMISSION REGULATION (EEC) No 3107/91

of 24 October 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1741/91<sup>(2)</sup>, and in particular Article 5 (9) thereof,

Whereas Article 5 of Regulation (EEC) No 3013/89 provides for the grant of a premium to sheepmeat producers; whereas the rules on the grant of the premium are laid down in Commission Regulation (EEC) No 3007/84<sup>(3)</sup>, as last amended by Regulation (EEC) No 288/91<sup>(4)</sup>, which lays down, *inter alia*, the obligations to be met by recipients of the premium and the consequences of failing to meet them; whereas Article 6 (3) of that Regulation requires producers to inform the competent authority within a set period in cases of *force majeure*, as a condition for remaining entitled to the premium;

Whereas, while without its general import being affected, the text of the Regulation should be aligned on that in force for beef and veal;

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

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

Done at Brussels, 24 October 1991.

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 6 (3) of Regulation (EEC) No 3007/84 is hereby replaced by the following:

'3. Where, for reasons of *force majeure*, producers have not been able to comply with the undertaking provided for in Article 2, they shall continue to be entitled to the premium in respect of the number of animals actually eligible when the event constituting *force majeure* occurred. Producers shall duly inform the competent authority in writing within 10 days following the date on which they became aware of the incident in question.'

*Article 2*

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

*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 283, 27. 10. 1984, p. 28.

<sup>(4)</sup> OJ No L 35, 7. 2. 1991, p. 12.

**COMMISSION REGULATION (EEC) No 3108/91**  
**of 24 October 1991**  
**amending Regulation (EEC) No 2729/81 as regards the refund on exports to 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 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 Articles 13 (3) and 17 (4) thereof,

Whereas Commission Regulation (EEC) No 2729/81 of 14 September 1981 laying down special rules implementing the system of import and export licences and the advance fixing of refunds in respect of milk and milk products <sup>(3)</sup>, as last amended by Regulation (EEC) No 376/91 <sup>(4)</sup>, lays down an obligation to fix in advance the refund on butter of a fat content by weight of 82 % or more but not more than 85 % and intended for the Soviet Union; whereas the provisions concerned do not set a time limit on the exports; whereas a time limit must be set if international obligations are to be met;

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*

The following subparagraph is hereby added to Article 10 (2) of Regulation (EEC) No 2729/81:

'The refund fixed shall apply only if the customs formalities for release for consumption in the Soviet Union have been completed by 31 December 1991 at the latest.'

*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 to export licences applied for from 11 October 1991.

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

Done at Brussels, 24 October 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 272, 26. 9. 1981, p. 19.

<sup>(4)</sup> OJ No L 43, 16. 2. 1991, p. 36.

**COMMISSION REGULATION (EEC) No 3109/91**  
**of 24 October 1991**  
**amending Regulation (EEC) No 2909/91 introducing a countervailing charge on**  
**fresh lemons originating in Argentina**

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 the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2909/91<sup>(3)</sup>, as last amended by Regulation (EEC) No 3064/91<sup>(4)</sup>, introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 2909/91, 'ECU 13,55' is hereby replaced by 'ECU 0,88'.

*Article 2*

This Regulation shall enter into force on 25 October 1991.

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

Done at Brussels, 24 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<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 276, 3. 10. 1991, p. 25.

<sup>(4)</sup> OJ No L 289, 19. 10. 1991, p. 29.

## COMMISSION REGULATION (EEC) No 3110/91

of 24 October 1991

## fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fixing 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 1630/90<sup>(2)</sup>, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

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

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

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

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

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products<sup>(5)</sup>, as last amended by Regulation (EEC) No 2767/90<sup>(6)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

<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 155, 3. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 119, 8. 5. 1986, p. 36.

<sup>(5)</sup> OJ No L 184, 29. 7. 1968, p. 10.

<sup>(6)</sup> OJ No L 267, 29. 9. 1990, p. 14.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91<sup>(2)</sup>;

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>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</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 level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no

refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

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

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

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

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

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

#### *Article 2*

This Regulation shall enter into force on 25 October 1991.

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

Done at Brussels, 24 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

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

<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 91, 1. 4. 1984, p. 71.

<sup>(6)</sup> OJ No L 28, 1. 2. 1988, p. 1.

## ANNEX

## to the Commission Regulation of 24 October 1991 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		70,00
0402 10 19 000		70,00
0402 10 91 000		0,7000
0402 10 99 000		0,7000
0402 21 11 200		70,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		112,00
0402 21 17 000		70,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		112,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88

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

Product code	Destination (*)	Amount of refund
0402 29 15 200		0,7000
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,7000
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957
0402 99 99 000		0,9957
0403 10 02 000		—
0403 10 04 200		—
0403 10 04 300		—
0403 10 04 500		—
0403 10 04 900		—
0403 10 06 000		—
0403 10 12 000		—
0403 10 14 200		—
0403 10 14 300		—



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

Product code	Destination (*)	Amount of refund
0403 10 14 500		—
0403 10 14 900		—
0403 10 16 000		—
0403 10 22 100		6,36
0403 10 22 300		9,61
0403 10 24 000		12,65
0403 10 26 000		18,72
0403 10 32 100		0,0636
0403 10 32 300		0,0961
0403 10 34 000		0,1265
0403 10 36 000		0,1872
0403 90 11 000		70,00
0403 90 13 200		70,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,7000
0403 90 33 200		0,7000
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		1,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		70,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		70,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		70,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		70,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,7000
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,7000
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,7000
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,7000
0404 90 93 130		0,9972
0404 90 93 150		1,0600

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		127,02
0405 00 10 300		159,80
0405 00 10 500		163,90
0405 00 10 700	056	201,00 (**)
	...	168,00
0405 00 90 100		168,00
0405 00 90 900		215,32
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	***	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	***	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	***	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	***	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
...	48,68	
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

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

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
0406 90 15 900	...	159,34
	028	—
	032	—
	036	—
	038	—
	400	113,00

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

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
...	151,68	
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96



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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
	0406 90 75 100	
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
	0406 90 77 100	028
032		24,00
036		—
038		—
400		58,77
404		—
...		110,79

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
	0406 90 89 959	028
032		—
036		—
038		—
400		130,00
404		—
...		130,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		1,50
2309 10 15 300		2,00
2309 10 15 400		2,50
2309 10 15 500		3,00
2309 10 15 700		3,50

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		1,50
2309 10 19 300		2,00
2309 10 19 400		2,50
2309 10 19 500		3,00
2309 10 19 600		3,50
2309 10 19 700		3,75
2309 10 19 800		4,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		21,00
2309 10 70 200		28,00
2309 10 70 300		35,00
2309 10 70 500		42,00
2309 10 70 600		49,00
2309 10 70 700		56,00
2309 10 70 800		61,60
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		1,50
2309 90 35 300		2,00
2309 90 35 400		2,50
2309 90 35 500		3,00
2309 90 35 700		3,50
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		1,50
2309 90 39 300		2,00
2309 90 39 400		2,50
2309 90 39 500		3,00
2309 90 39 600		3,50
2309 90 39 700		3,75
2309 90 39 800		4,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		21,00
2309 90 70 200		28,00
2309 90 70 300		35,00
2309 90 70 500		42,00
2309 90 70 600		49,00
2309 90 70 700		56,00
2309 90 70 800		61,60
2309 90 70 900		—

(<sup>1</sup>) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 91/91 (OJ No L 11, 16. 1. 1991, p. 5).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by \*\*\*.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

(<sup>2</sup>) This amount shall not apply to butter exported pursuant to Commission Regulations (EEC) No 3775/90 (OJ No L 364, 28. 12. 1990, p. 2), for which the refund applicable is that fixed for the other destinations.

---

*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 3111/91

of 24 October 1991

## fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16<sup>(2)</sup> 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 in 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 world market 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 cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC<sup>(4)</sup>, as last amended by Regulation (EEC) No 2849/91<sup>(5)</sup>;

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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

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>(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 coefficient referred to in the preceding indent;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 25 October 1991.

<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 128, 27. 6. 1967, p. 2574/67.

<sup>(5)</sup> OJ No L 272, 28. 9. 1991, p. 62.

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

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

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

Done at Brussels, 24 October 1991.

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

---

## ANNEX

to the Commission Regulation of 24 October 1991 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

*(ECU/tonne)*

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	120,00
	05	40,00
	06	35,00
	02	0
1001 90 91 000	—	—
1001 90,99 000	04	77,00
	05	32,00
	02	20,00
1002 00 00 000	03	31,00
	07	85,00
	02	30,00
1003 00 10 000	08	80,00
	02	0
1003 00 90 000	04	31,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	118,50
1101 00 00 130	01	110,50
1101 00 00 150	01	101,50
1101 00 00 170	01	93,50
1101 00 00 180	01	87,50
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	118,50
1102 10 00 900	—	—
1103 11 10 100	01	202,50
1103 11 10 200	01	202,50
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	118,50
1103 11 90 900	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 The Soviet Union,
- 06 Algeria,
- 07 Zone II b),
- 08 Turkey.

---

*NB:* The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

---

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 7 May 1991

on the animal health and production fund in Belgium

(Only the French and Dutch texts are authentic)

(91/538/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1249/89<sup>(2)</sup>, and in particular Article 21 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>(3)</sup>, as last amended by Regulation (EEC) No 1628/91<sup>(4)</sup>, and in particular Article 24 thereof,

Having given formal notice to the parties concerned to submit their comments in accordance with Article 93 (2) of the Treaty<sup>(5)</sup>, and having regard to these comments,

Whereas :

## I

(1) At the end of 1986 the Commission decided to scrutinize all set-purpose charges levied in the

Member States in agriculture and fisheries and the allocation of those charges, in particular as aid.

A standard letter was accordingly sent to each Member State in 1987 in order to obtain the information required.

By letter of 7 June 1988 the Belgian authorities responded to that request. By letter of 10 April 1989, the Commission asked the Belgian authorities to provide additional information, which they did by letter of 6 July 1989.

(2) The measures in question were introduced by the Law of 24 March 1987 on animal health, and in particular Article 32 (2) thereof, and the Royal Decree of 11 December 1987 on obligatory contributions to the animal health and production fund.

The purpose of the fund is to contribute towards the financing of compensation, subsidies and other benefits connected with combating animal diseases and improving animal hygiene and health and the quality of livestock and livestock products. The fund is financed in part through compulsory contributions. The level of contributions was set by the Royal Decree of 11 December 1987.

(3) Pursuant to Articles 2 and 3 of that Decree, the contributions are :

— a compulsory contribution of Bfr 315 per slaughtered bovine animal, Bfr 105 per slaughtered calf and Bfr 20 per slaughtered pig, to be borne by the slaughterhouses,

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 129, 11. 5. 1989, p. 12.

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(4)</sup> OJ No L 150, 15. 6. 1991, p. 16.

<sup>(5)</sup> OJ No C 24, 1. 2. 1990, p. 12.

— a compulsory contribution of Bfr 315 per live bovine animal exported, Bfr 105 per live calf exported and Bfr 20 per live pig exported, to be borne by the exporters<sup>(1)</sup>.

(4) At present money is paid from the fund towards programmes to :

- eradicate classical swine fever,
- combat brucellosis.

## II

(5) By letter of 20 October 1989, the Commission notified the Belgian Government that it had decided to initiate the procedure laid down in Article 93 (2) of the Treaty with regard to this aid in view of the fact that it is partly financed through obligatory contributions which are also imposed on animals imported from other Member States. Moreover, it took the view that the charges must be considered as discriminatory internal taxes within the meaning of Article 95 of the Treaty as they only benefit national producers.

In accordance with this procedure, the Commission gave notice to the Belgian Government to submit its comments.

The Commission also gave notice to the other Member States and interested parties other than Member States to submit their comments.

The comments received from the other interested parties were notified to the Belgian Government by letter No 10546 of 12 April 1991.

## III

(6) By letter of 20 November 1989, the Belgian authorities informed the Commission :

(a) that it is unfair to claim that collection of the charge is deferred to a stage which necessarily follows the crossing of the border by the imported product, given that the operative event is slaughter and that therefore the importer of the live animal who sells the animal to a Belgian operator is not subject to the charge ;

(b) that even though the charge is imposed on imports, the collection of the charge is compatible with Article 95 of the Treaty and decisions of the Court of Justice since the contribution is

collected at the abattoir irrespective of origin. In its Judgment of 31 May 1979 in Case 132/78<sup>(2)</sup>, the Court of Justice laid down that, in order to relate to a general system of internal dues and thus not come within the application of the provisions prohibiting charges having an effect equivalent to customs duties, the charge to which an imported product is subject must impose the same duty on national products and identical imported products at the same marketing stage and the chargeable event giving rise to the duty must also be identical in the case of both products. The charge on slaughter fulfils these conditions perfectly ;

(c) that, with regard to the interpretation of its Judgment in Case 47/69<sup>(3)</sup>, the Court of Justice gave the following as grounds for its decision :

'In its appraisal the Commission must therefore take into account all those factors which directly or indirectly characterize the measure in question, that is, not only aid, properly so-called, for selected national activities, but also the indirect aid which may be constituted both by the method of financing and by the close connection which makes the amount of aid dependent upon the revenue from the charge... By automatically increasing the amount of national aid in proportion to the increase in the revenue from the charge and more especially the revenue from the charge levied on foreign products, the method of financing in question has a protective effect which goes beyond aid properly so-called.'

The charge imposed on the slaughter of imported animals introduced by the Royal Decree in question cannot be condemned on the above grounds.

The level of the compensation and subsidies paid to producers as part of the campaign against animal diseases is not dependent on the revenue from contributions.

It should be noted in this respect that :

- (i) the legislative and ministerial provisions do not make the amount of aid dependent on the revenue from contributions but on health control requirements and on the value of the slaughtered animals ;
- (ii) under Article 32 (2) of the Law of 24 March 1987, the revenue from contributions forms only a part of the financing of the animal

(1) The contributions are now Bfr 630 per bovine animal slaughtered or exported, Bfr 200 per calf slaughtered or exported and Bfr 40 per pig slaughtered or exported (Royal Decree of 23 November 1990).

(2) *Denkavit Loire v. French State*, [1979] ECR 1923.

(3) *French Republic v. Commission*, [1970] ECR 487.

health and production fund, with an important part of financing coming from the budget of the Ministry for Agriculture ;

(d) that the control of animal diseases in Belgium is of benefit to producers from other Member States, in particular from regions bordering on Belgium ; improvements in the health of Belgian livestock increase the protection of livestock in neighbouring countries ; imported animals run less risk of health problems because of improvements in the health of Belgian livestock.

(7) By a Royal Decree of 23 November 1990, which was not notified to the Commission, the provisions on the collection of the obligatory contributions for the fund were extended from 1 January 1991.

#### IV

(8) The Belgian authorities have not fulfilled their obligation pursuant to Article 93 (3) of the Treaty by failing to submit a draft of the measures to the Commission.

The aid, financed by compulsory contributions and a State contribution, is likely to affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1) of the Treaty by favouring the sectors concerned.

(9) However, the health measures undertaken by the fund could benefit from the provisions of Article 92 (3) (c). The programme for the eradication of classical swine fever was introduced in application of Council Directive 80/1095/EEC<sup>(1)</sup>, as last amended by Directive 87/487/EEC<sup>(2)</sup>, and the programme to combat brucellosis was introduced to comply with Council Directive 64/432/EEC<sup>(3)</sup>, as last amended by Directive 91/13/EEC<sup>(4)</sup>.

(10) However, they cannot be considered eligible since the aid is partly financed through charges imposed on products imported from other Member States.

In accordance with the decisions of the Court of Justice, the financing of a State aid by means of a compulsory charge is a basic element in that aid and, when such aid is evaluated, both the aid and

its method of financing should be examined having regard to Community law.

From this viewpoint and even though the aid is compatible as regards both its form and its objectives, according to the Court of Justice in Case 47/69, the financing of the aid by parafiscal charges which are also levied on imported Community products has a protective effect which goes beyond aid properly so-called.

This protectionist effect exists irrespective of the proportion of the aid financed through the obligatory contribution ; the effect exists even though, as the Belgian authorities affirm, the contribution accounts for only a part of the financing of the aid concerned. This protectionist effect also remains even if, as the authorities insist, the amount of aid is not linked to the revenue from the charge. In the absence of the said contribution there would either be less money available to finance the aid or else the State contribution or the contribution imposed on animals reared in Belgium would have to increase.

(11) Furthermore, the principle that the charge is not collected on imported products should be extended to the slaughtering stage so that the exemption at the frontier does not simply involve a transfer of the payment of the charge on imported products to subsequent stages.

(12) Owing to the fact that Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine has the main aim of imposing on Member States dispatching live-stock (cattle and swine) the obligation to ensure compliance with a series of health measures intended to ensure in particular that exported live-stock does not constitute a source of propagation of contagious diseases, in practical terms the abovementioned charges serve to finance aid for Belgian stockfarmers.

Finally, it should be noted that all the Member States have committed themselves to eradication programmes pursuant to the abovementioned Directives.

The assertion by the Belgian authorities that the health measures benefit stockfarmers and traders in neighbouring countries is valid for all Member States who are obliged by these Community provisions to introduce eradication measures. Such measures cannot therefore justify imposing a charge on animals imported from other Member States to finance health measures in Belgium.

<sup>(1)</sup> OJ No L 325, 1. 12. 1980, p. 1.

<sup>(2)</sup> OJ No L 280, 3. 10. 1987, p. 24.

<sup>(3)</sup> OJ No 121, 29. 7. 1964, p. 1977/64.

<sup>(4)</sup> OJ No L 8, 11. 1. 1991, p. 26.

- (13) Furthermore, such compulsory contributions levied on imported animals at the slaughter stage should be considered as discriminatory internal taxes within the meaning of Article 95 of the Treaty as they benefit national producers alone.

According to the Court of Justice <sup>(1)</sup>, internal taxation is of such a nature as to impose a heavier burden on products from other Member States than on domestic products if it is used exclusively or principally to finance aid for the sole benefit of domestic products.

The arguments put forward by the Belgian authorities with regard to the conformity of the levying of compulsory contributions on slaughter with Article 95 of the Treaty cannot therefore be accepted given that they take no account of the fact that importers cannot benefit from the health measures which are partly financed by the revenue from the charge.

- (14) The aid financed through the animal health and production fund described in recital I cannot therefore be considered compatible with the common market in view of its method of financing and must therefore be discontinued,

HAS ADOPTED THIS DECISION :

*Article 1*

The aid granted by Belgium in the beef and veal and pork sectors, financed through the compulsory contribution

provided for in the Royal Decree of 11 December 1987 on obligatory contributions to the animal health and production fund, are incompatible with the common market within the meaning of Article 92 of the Treaty and must be discontinued in so far as the compulsory contribution is also imposed on products imported from other Member States at the stage of slaughter.

*Article 2*

Belgium shall inform the Commission, within two months of the notification of this Decision, of the measures taken to ensure compliance with this Decision.

*Article 3*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 7 May 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

<sup>(1)</sup> Judgment of 21 May 1980 in Case 73/79, *Commission v. Italy*, [1980] ECR 1533.



## COMMISSION DECISION

of 4 October 1991

laying down implementing rules for Decision 91/426/EEC (Animo)

(91/539/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(1)</sup>, as last amended by Directive 91/174/EEC<sup>(2)</sup>, and in particular Article 20 (3) thereof,

Having regard to Council Directive 90/424/EEC of 26 June 1990 on expenditure in the veterinary field<sup>(3)</sup>, as amended by Decision 91/133/EEC<sup>(4)</sup>, and in particular by Article 37 (2) thereof,

Whereas on 19 July 1991 Commission adopted Decision 91/398/EEC<sup>(5)</sup> on a computerized network linking veterinary authorities (Animo) and on 22 July 1991 Decision 91/426/EEC<sup>(6)</sup> laying down the details of the Community's financial contribution to the setting up of a computerized network linking veterinary authorities (Animo),

Whereas it is appropriate to lay down rules for financial allocations and in particular the distribution between the Member States of the Community's financial contribution and the conditions for advance payments to Member States;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Community's financial contribution shall be shared out between the Member States depending on the number of units, within the meaning of Article 1 of Decision 91/398/EEC, and in the following manner:

<sup>(1)</sup> OJ No L 224, 18. 8. 1990, p. 29.  
<sup>(2)</sup> OJ No L 85, 5. 4. 1991, p. 37.  
<sup>(3)</sup> OJ No L 224, 18. 8. 1990, p. 19.  
<sup>(4)</sup> OJ No L 66, 13. 3. 1991, p. 18.  
<sup>(5)</sup> OJ No L 221, 9. 8. 1991, p. 30.  
<sup>(6)</sup> OJ No L 234, 28. 8. 1991, p. 27.

— Belgium	35 units,
— Denmark	25 units,
— Germany	499 units,
— Greece	75 units,
— Spain	499 units,
— France	120 units,
— Ireland	40 units,
— Italy	499 units,
— Luxembourg	2 units,
— Netherlands	50 units,
— Portugal	35 units,
— United Kingdom	120 units.

*Article 2*

1. The reimbursements to Member States as referred to in Article 2 (1) of Decision 91/426/EEC shall not include VAT.

2. The supporting documents referred to in Article 2 of Decision 91/426/EEC shall comprise:

- the purchase invoices or certified copies thereof; such invoices may not be dated earlier than 1 January 1991,
- the identity of the service responsible for the purchase and the inventory number of the equipment,
- confirmation that the transmission connections are operational.

*Article 3*

Member States can obtain an advance payment of 50 % of the Community contribution, provided they present to the Commission, before 1 December 1991, confirmation of an order by the vendor of the equipment referred to in Article 2 (2) of Decision 91/398/EEC.

*Article 4*

The Commission can carry out checks to ensure that the equipment is in place and is functioning properly.

The absence of equipment and any anomalies found will be reported on to the competent authority. This may lead to reimbursement of all or part of the Community financial contribution, in proportion to the number of pieces of equipment eligible within the meaning of Article 2 of Decision 91/398/EEC and the consequences for the functioning of the network.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 4 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

## COMMISSION DECISION

of 14 October 1991

amending Decision 88/139/EEC on the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by the Federal Republic of Germany pursuant to Regulation (EEC) No 4028/86

(Only the German text is authentic)

(91/540/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 3944/90<sup>(2)</sup>, and in particular Article 4 and Article 5(2) thereof,

Whereas the above multiannual guidance programme covers the territory of the Federal Republic of Germany before German unification;

Whereas from the date of German unification onwards, Community law will be fully applicable in the territory of the former German Democratic Republic;

Whereas, on 29 May 1991, the German authorities forwarded to the Commission information concerning a guidance programme for the fishing fleet of the former German Democratic Republic;

Whereas the measures provided for in this decision are in accordance with the opinion of the Standing Committee for the Fishing Industry,

HAS ADOPTED THIS DECISION:

*Article 1*

Commission Decision No 88/139/EEC<sup>(3)</sup> is modified as follows:

(a) After Article 1, the following Article 1a is inserted:

*Article 1a*

The addendum to the multiannual guidance programme for the fishing fleet of the Federal Republic of Germany concerning the fishing fleet of the former German Democratic Republic as forwarded by the German Government on 29 May 1991 is hereby approved subject to the limitations and conditions set out in this decision and provided that those limitations and conditions are complied with.

(b) Point 'V. Special conditions for the fishing fleet of the former German Democratic Republic' is added to the Annex.

*Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 October 1991.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 376, 31. 12. 1986, p. 7.

<sup>(2)</sup> OJ No L 380, 31. 12. 1990, p. 1.

<sup>(3)</sup> OJ No L 67, 12. 3. 1988, p. 14.

## ANNEX

## V. SPECIAL CONDITIONS FOR THE FISHING FLEET OF THE FORMER GERMAN DEMOCRATIC REPUBLIC

1. The programme is aimed at facilitating the structural development of the fisheries sector in the former German Democratic Republic within the general framework of the implementation of the common fisheries policy.

More particularly the aims of the programme are :

- (a) to reduce the deep sea fleet to the level of 20 650 GRT and 22 500 kW ;
- (b) to reduce the cutter fleet (near distances) to the level of 7 100 GRT and 22 000 kW ;
- (c) to modernize existing vessels, particularly of the cutter fleet.

2. The following limitations should apply to the development of the fleet during the period covered by the programmes :

*(Tonnage in GRT)*

	3. 10. 1991 (Date of German unification)	Situation at 1. 1. 1991	Objective at 31. 12. 1991
1. Deep sea fleet			
(a) distant water fleet	44 992	37 896	16 500
(b) specialized vessels for fishing shoal species	14 744	8 404	3 250
(c) middle water fleet	976	900	900
2. Cutter fleet (near distances)	11 944 (1)	8 200 (1)	7 100 (1)
Total	72 656	55 400	27 750

(1) In addition to that, the capacity of a number of small vessels has to be added.

*(Engine power kW)*

	3. 10. 1990 (Date of German unification)	Situation at 1. 1. 1991	Objective at 31. 12. 1991
1. Deep sea fleet			
(a) distant water fleet	40 138	34 076	16 000
(b) specialized vessels for fishing shoal species	12 836	7 124	3 000
(c) middle water fleet	3 865	3 500	3 500
2. Cutter fleet (near distances)	32 800 (1)	25 800 (1)	22 000 (1)
Total	89 639	70 500	44 500

(1) In addition to that, the capacity of a number of small vessels has to be added.

3. The following measures should be implemented to achieve the objectives set out above :
- reduction of the deep sea fleet and of the cutter fleet,
  - modernization of the deep sea fleet and of the cutter fleet.
4. The Commission recalls that any structural financial measures taken by the national, regional or local authorities in respect of the sector concerned must henceforth lie within the scope of this programme.

**COMMISSION DECISION**

of 15 October 1991

**amending Decisions 91/146/EEC concerning protective measures against cholera in Peru, 91/281/EEC concerning importations of fishery and aquaculture products from Ecuador and 91/282/EEC concerning importations of fishery and aquaculture products from Colombia**

(91/541/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as amended by Directive 91/496/EEC<sup>(2)</sup>, and in particular Article 19 thereof,Whereas Commission Decision 91/146/EEC of 19 March 1991 concerning protective measures against cholera in Peru<sup>(3)</sup> prohibits imports to Community territory of marine and freshwater products from that country, with the exception of certain fishery products accompanied by appropriate guarantees provided by the Peruvian official authorities;Whereas Commission Decisions 91/281/EEC and 91/282/EEC of 5 June 1991 concerning importations of fishery and aquaculture products from Ecuador and Colombia respectively<sup>(4)</sup> authorize the importation of fishery and aquaculture products which are accompanied by appropriate guarantees provided by the official authorities of Ecuador and Colombia;

Whereas, with a view to permitting the movement of these products in Community territory, it is necessary first to ensure that the lots imported really are accompanied by the required guarantees;

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

HAS ADOPTED THIS DECISION:

*Article 1*

Article 3 of Decision 91/146/EEC and Articles 2 of Decisions 91/281/EEC and 91/282/EEC are hereby replaced by the following Article:

'Member States shall not authorize reconsignment to the territory of other Member States of the products referred to in the preceding Article until there has been an inspection of each lot imported, comprising at least a conformity check of the documents and an identity check of the lots. This inspection shall be carried out without prejudice to any additional checks which may be performed by the competent authorities of the Member State of destination.'

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 15 October 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 56.<sup>(3)</sup> OJ No L 73, 20. 3. 1991, p. 34.<sup>(4)</sup> OJ n° L 142, 6. 6. 1991, pp. 43 and 44.