

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3330/91

of 7 November 1991

on the statistics relating to the trading of goods between Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas abolishing physical barriers between Member States is necessary to complete the internal market; whereas a satisfactory level of information on the trading of goods between Member States should thus be ensured by means other than those involving checks, even indirect ones, at internal frontiers;

Whereas an analysis of the situation of the Community and the Member States after 1992 reveals that a number of specific requirements will persist as regards information on the trading of goods between Member States;

Whereas these requirements are not of a macro-economic nature, unlike those relating, for example, to national accounts or the balance of payments, and many of them cannot be met by means of highly aggregated data alone; whereas matters such as trade policy, sectoral analyses, competition rules, the management and guidance of agriculture and fisheries, regional development, energy projections and the organization of transport must on the contrary be based on statistical documentation providing the most up-to-date, accurate and detailed view of the internal market;

Whereas it is precisely information on the trading of goods between Member States which will contribute to measuring the progress of the internal market, thereby speeding up its completion and consolidating it on a

sound basis; whereas this kind of information could prove to be one of the means of assessing the development of economic and social cohesion;

Whereas until the end of 1992 statistics relating to the trading of goods between Member States will benefit from the formalities, documentation and controls which the customs authorities, for their own requirements or for those of other departments, prescribe for consignors and consignees of goods in circulation between Member States, but which will disappear through the elimination of physical frontiers and tax barriers;

Whereas it will consequently be necessary to collect directly from the consignors and consignees the data necessary to compile statistics relating to the trading of goods between Member States, using methods and techniques which will ensure that they are exhaustive, reliable and up to date, without giving rise for the parties concerned, in particular for small and medium-sized businesses, to a burden out of proportion to the results which users of the said statistics can reasonably expect;

Whereas the relevant legislation must henceforth apply to all statistics relating to the trading of goods between Member States, including those statistics which are not to be harmonized or made compulsory by the Community before 1993;

Whereas the statistics relating to the trading of goods between Member States are a function of the movements of goods involved; whereas they may include data on transport, which can be collected simultaneously with the data specific to each of these categories of statistics, thus lightening the overall statistical burden;

Whereas private individuals will derive obvious advantages from the internal market; whereas it is necessary to ensure that these advantages are not diminished in their eyes by requirements for statistical information; whereas the provision of such information would undoubtedly impose an obligation which private individuals would consider inconvenient at the very least and which would be impossible to check on without employing excessive measures; whereas it is therefore reasonable not to regard private individuals as responsible for providing such information, apart from suitable periodic surveys;

⁽¹⁾ OJ No C 254, 9. 10. 1990, p. 7 and

OJ No C 47, 23. 2. 1991, p. 10.

⁽²⁾ OJ No C 324, 24. 12. 1990, p. 268 and

OJ No C 280, 28. 10. 1991.

⁽³⁾ OJ No C 332, 31. 12. 1990, p. 1.

Whereas the new collection system to be introduced is to apply to all statistics relating to the trading of goods between Member States; whereas it must therefore be defined first in a general context involving new concepts, particularly as regards the scope, the party responsible for providing the information and the transmission of data;

Whereas the actual concept of the system resides in the use of related administrative networks, and in particular that of the value added tax (VAT) authorities, to provide the statistical services with a minimum degree of indirect verification without thereby increasing the burden on taxpayers; whereas it is nonetheless necessary to avoid confusion arising in the minds of the parties responsible for providing information between their statistical and their tax obligations;

Whereas it is vital to use existing sources to compile basic documentation in each Member State regarding consignors and consignees of goods which are covered by statistics of trade between Member States, so as to identify, in preparation for 1992, the main parties concerned and to develop modern data transmission techniques with their assistance;

Whereas implementation alone will reveal loopholes or weaknesses in the new collection system; whereas improvements and simplifications should be introduced within a reasonable period of time in order to prevent defects from having negative repercussions on the trading of goods between Member States;

Whereas, among the statistics relating to the trading of goods between Member States, statistics of trade between Member States must receive priority, for obvious reasons of importance and continuity; whereas, however, substantial adjustments must be made to these statistics in order to take account of the new conditions on the internal market after 1992; whereas it will be necessary to review, *inter alia*, the definition of their content, the goods classification applicable to them and the list of data to be collected to compile them; whereas it is desirable to adopt forthwith the principle on which the statistical thresholds will operate in order to avoid small and medium-sized businesses incurring expenditure which is disproportionate to overheads;

Whereas the Commission should be assisted by a committee to ensure the regular cooperation of the Member States, in particular to resolve the problems which are bound to arise in connection with information on the trading of goods between Member States following the numerous innovations introduced by the new collection system;

Whereas relevant Community legislation should be supplemented systematically by provisions adopted either by the Council or by the Commission;

Whereas some of the provisions of this Regulation must enter into force without delay so that the Community and

its Member States can prepare for the practical consequences which it will entail as from 1 January 1993;

Whereas one of these consequences is that Council Regulation (EEC) No 2954/85 of 22 October 1985 laying down certain measures for the standardization and simplification of the statistics of trade between Member States⁽¹⁾ must be repealed and that Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States⁽²⁾, as last amended by Regulation (EEC) No 1629/88⁽³⁾, will no longer be applicable to statistics relating to the trading of goods between Member States,

HAS ADOPTED THIS REGULATION:

Article 1

The Community and its Member States shall compile statistics relating to the trading of goods between Member States, in accordance with the rules laid down by this Regulation, during the transitional period which shall begin on 1 January 1993 and end on the date of change-over to a unified system of taxation in the Member State of origin.

CHAPTER I

General provisions

Article 2

For the purposes of this Regulation and without prejudice to any individual provisions:

- (a) 'trading of goods between Member States' means any movement of goods from one Member State to another;
- (b) 'goods' means all movable property, including electric current;
- (c) 'Community goods' means goods:
 - entirely obtained in the customs territory of the Community, without the addition of goods from non-member countries or territories which are not part of the customs territory of the Community,
 - from countries or territories not forming part of the customs territory of the Community which have been released for free circulation in a Member State,
 - obtained in the customs territory of the Community either from the goods referred to exclusively in the second indent or from the goods referred to in the first and second indents;

⁽¹⁾ OJ No L 285, 25. 10. 1985, p. 1.

⁽²⁾ OJ No L 183, 14. 7. 1975, p. 3.

⁽³⁾ OJ No L 147, 14. 6. 1988, p. 1.

- (d) 'non-Community goods' means goods other than those referred to in (c). Without prejudice to agreements concluded with non-member countries for the implementation of the Community transit arrangements, goods which, while fulfilling the conditions laid down in (c), are reintroduced into the customs territory of the Community after export therefrom are also considered as non-Community goods ;
- (e) 'Member State', when the term is used in the geographical sense, means its statistical territory ;
- (f) 'statistical territory of a Member State' means the territory occupied by that Member State within the statistical territory of the Community, as this latter is defined in Article 3 of Regulation (EEC) No 1736/75 ;
- (g) 'goods in free movement on the internal market of the Community' means goods authorized, pursuant to Directive 77/388/EEC⁽¹⁾, to move from one Member State to another without prior formalities or formalities linked to the crossing of internal frontiers ;
- (h) 'private individual' means any natural person not liable to account for VAT in connection with a given movement of goods.

Article 3

1. All goods which move from one Member State to another shall be the subject of statistics relating to the trading of goods between Member States.

In addition to the goods which move within the statistical territory of the Community, goods shall be considered as moving from one Member State to another if, in so doing, they cross the external frontier of the Community, whether or not they subsequently enter the territory of a non-member State.

3. Paragraph 1 shall apply both to non-Community and Community goods, whether or not they are the subject of a commercial transaction.

Article 4

1. Of the goods referred to in Article 3 :
- (a) transit statistics shall be compiled on those which are transported, with or without transshipment, across a Member State without being stored there for reasons not inherent in their transport ;
- (b) storage statistics shall be compiled on those referred to in Article 2 (2) of Regulation (EEC) No 1736/75, as well as those which enter or leave storage facilities

determined by the Commission in accordance with Article 30 of this Regulation ;

- (c) statistics of trade between Member States shall be compiled on those which do not meet the conditions of (a) and (b) or which, while meeting either of those conditions, are expressly designated by this Regulation or by the Commission pursuant to Article 30 ;
- (d) the Council, on a proposal from the Commission, shall determine the goods that are to be the subject of other statistics relating to the trading of goods between Member States.

2. Without prejudice to Community provisions on statistical returns in respect of carriage of goods, the data on the movement of goods subject to the statistics referred to in paragraph 1 shall be included, as necessary, in the list of data relating to each of these categories of statistics on the conditions and terms laid down by this Regulation or by the Commission pursuant to Article 30.

Article 5

Without prejudice to Article 15, private individuals shall be exempt from the obligations implied by the preparation of the statistics referred to in Article 4.

This exemption shall also apply to the party responsible for providing information who, being liable to account for VAT, qualifies, in the Member State in which he is responsible for providing information, for one of the special schemes provided for by Articles 24 and 25 of Directive 77/388/EEC. This provision shall be extended, *mutatis mutandis*, to institutional parties not liable to account for VAT and to parties exempt from VAT, who, pursuant to Article 28 (7) of the abovementioned Directive, are not required to submit a tax declaration.

CHAPTER II

Statistical collection system

Intrastat

Article 6

With a view to compiling the statistics relating to the trading of goods between Member States, a statistical collection system shall be set up, hereinafter referred to as the 'Intrastat system'.

Article 7

1. The Intrastat system shall be applied in the Member States whenever they are deemed to be partner countries in the trading of goods between Member States by virtue of paragraph 4.

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1.

2. The Intrastat system shall be applied to the goods referred to in Article 3:

- (a) which are in free movement on the internal market of the Community;
- (b) which, since they may move on the internal market of the Community only after completion of the formalities prescribed by Community legislation on the circulation of goods, are expressly designated either by this Regulation or by the Commission pursuant to Article 30.

3. The collection of data on the goods referred to in Article 3 to which the Intrastat system does not apply shall be regulated by the Commission pursuant to Article 30 within the framework of the formalities referred to in paragraph 2 (b).

4. The Intrastat system shall apply:

- (a) to statistics of trade between Member States, pursuant to Article 17 to 28;
- (b) to transit and storage statistics, in accordance with provisions laid down by the Council on a proposal from the Commission pursuant to Article 31.

5. Saving a decision to the contrary by the Council on a proposal from the Commission, in particular pursuant to Article 31, national provisions on the statistics referred to in paragraph 4 of this Article, in so far as they relate to data collection, shall cease to apply after 31 December 1992.

Article 8

Without prejudice to Article 5, the obligation to supply the information required by the Intrastat system shall be incumbent on any natural or legal person who is involved in the trading of goods between Member States.

Among those incurring this obligation, the party responsible for providing information for each category of statistics covered by the Intrastat system shall be designated by the relevant specific provisions.

Article 9

1. The party responsible for providing the information required by the Intrastat system may transfer the task of providing the information to a third party residing in a Member State, but such transfer shall in no way reduce the responsibility of the said party.

The party responsible for providing information shall provide such third party with all the information necessary to fulfil his obligations as party responsible.

2. The party responsible for providing information may be required, at the express request of the departments responsible for compiling statistics on the trading of

goods between Member States, to notify them that for a given reference period,

- all the information which is to be the subject of the periodic declaration referred to in Article 13 (1) has been provided either by himself or by a third party,
- he has transferred the task of providing the information required by the Intrastat system to that third party, whom he shall identify.

3. Paragraph 1 shall not apply:

- (a) in cases where Article 28 (4) applies;
- (b) in Member States where the periodic declaration referred to in Article 13 (1) is not distinct from the periodic declaration required for tax purposes and inasmuch as the tax rules in force relating to declaration obligations prevent the transfer referred to in the abovementioned paragraph 1.

4. The implementing rules for paragraphs 1, 2 and 3 shall be laid down by the Commission in accordance with Article 30.

Article 10

1. Member States shall take the measures necessary to ensure that those of their departments which are responsible for compiling statistics relating to the trading of goods between Member States have a register of intra-Community operators at their disposal by 1 January 1993.

2. For the purposes of applying paragraph 1, a list shall be established of upon dispatch the consignors, upon arrival the consignees and where necessary the declarants, within the meaning of Commission Regulation (EEC) No 2792/86⁽¹⁾, who are involved from 1 January 1991 to 31 December 1992 in trade between Member States.

3. Paragraph 2 shall not apply in those Member States which take the measures necessary to ensure that their tax authorities have at their disposal, by 1 January 1993 at the latest, a register:

- (a) listing the parties liable to account for VAT who, during the 12 months prior to that date, took part in the trading of goods between Member States, as consignors upon dispatch and as consignees upon arrival;
- (b) intended to list institutional parties not liable to account for VAT and parties exempt from VAT who, from that date, carry out their acquisitions, within the meaning of Directive 77/388/EEC, in compliance with Article 28 (7) of that Directive.

In those Member States, the abovementioned tax authorities shall, in addition to the identification number referred to in paragraph 6, supply the statistical departments referred to in paragraph 1 with the information included in that register which is used to identify those intra-Community operators, under the conditions required for application of this Regulation.

⁽¹⁾ OJ No L 263, 15. 9. 1986, p. 59.

4. The list of minimum data to be recorded in the register of intra-Community operators in addition to the identification number referred to in paragraph 6 shall be laid down by the Commission pursuant to Article 30.

5. From 1 January 1993, the register of intra-Community operators shall be managed and updated in the Member States by the relevant departments on the basis of the declarations referred to in Article 13 (1) or the lists referred to in Article 11 (1), or other administrative sources.

Where required, the Commission shall draw up, in accordance with Article 30, the other rules relating to the management and updating of the register of intra-Community operators to be applied in the Member States by the relevant departments.

6. Apart from exceptions which they shall justify to the parties responsible for providing statistical information, the relevant statistical departments shall use in their relations with those parties, and in particular with a view to application of Article 13 (1), the identification number allocated to those parties by the tax authorities responsible.

Article 11

1. The tax authorities responsible in each Member State shall, at least once every three months, furnish the departments in that Member State responsible for compiling statistics relating to the trading of goods between Member States with the lists of those liable to account for VAT who have declared that, during the period in question, they have made acquisitions in other Member States or deliveries to other Member States.

2. The lists referred to in paragraph 1 shall also include :

- (a) parties liable to account for VAT who have declared that, during the period in question, they have conducted trading of goods between Member States which, although not resulting from acquisitions or deliveries, must be the subject of a periodic tax declaration ;
- (b) institutional parties not liable to account for VAT and parties exempt from VAT who have declared that, during the same period, they have conducted trading of goods between Member States which must be the subject of a periodic tax declaration.

3. The lists shall indicate, for each operator on them, the value of trading of goods between Member States which the operator has mentioned in his periodic tax declaration in accordance with Article 28 (7) of Directive 77/388/EEC.

4. Under restrictive conditions, which the Commission shall determine pursuant to Article 30, each Member State's competent tax authorities shall in addition furnish the departments in that Member State responsible for

compiling statistics relating to the trading of goods between Member States, on their own initiative or at the request of the latter, with any information capable of improving the quality of statistics which those liable to account for VAT normally submit to the competent tax authorities to comply with tax requirements.

The information communicated to them in accordance with the first subparagraph shall be treated by the statistical departments, *vis-à-vis* third parties, in accordance with the rules applied to it by the tax authorities.

5. Whatever the administrative structure of the Member State, the party responsible for providing statistical information may not be compelled to justify, other than within the limits laid down by paragraph 1, 2 and 3 and by the provisions provided for in paragraph 4, the information he supplies in comparison with the data he communicates to the competent tax authorities.

6. In their relations with persons liable to account for VAT regarding the periodic declaration which such persons must forward to it for tax purposes, the competent tax authorities shall draw attention to the obligations which they may incur as parties responsible for providing the information required by the Intrastat system.

7. For the purpose of applying paragraphs 4 and 6, 'parties liable to account for VAT' shall also mean institutional parties not liable to account for VAT and parties exempt from VAT who carry out acquisitions within the meaning of Article 28 (7) of Directive 77/388/EEC.

8. Administrative assistance between national departments of different Member States responsible for compiling statistics relating to the trading of goods between Member States shall, as necessary, be regulated by the Commission pursuant to Article 30.

Article 12

1. The statistical information media required by the Intrastat system shall be set up by the Commission pursuant to Article 30 in respect of each category of statistics relating to the trading of goods between Member States.

2. In order to take account of their particular administrative arrangements, Member States may set up media other than those referred to in paragraph 1, provided that those responsible for providing information may choose which of these media they will use.

Member States exercising this option shall inform the Commission accordingly.

3. Paragraphs 1 and 2 shall not apply :

- (a) in cases where Article 28 (4) applies :
- (b) in Member States where the periodic declaration referred to in Article 13 (1) is not distinct from the periodic declaration required for tax purposes and inasmuch as the tax rules in force relating to declaration obligations prevent such application.

Article 13

1. The statistical information required by the Intrastat system shall be covered in periodic declarations to be sent by the party responsible for providing the information to the competent national departments, by deadlines and under conditions which the Commission shall lay down pursuant to Article 30.

2. The Commission shall determine, pursuant to Article 30:

- where not laid down by this Regulation, the reference period applicable to each category of statistics relating to the trading of goods between Member States,
- the procedures for the transmission of the information, especially with a view to making available to the parties responsible for providing information networks of regional data collection offices.

3. The periodic declarations referred to in paragraph 1 or, in any case, the information which they contain shall be retained by the Member States for at least two years following the end of the calendar year of the reference period to which those declarations relate.

Article 14

Failure by any party responsible for providing statistical information to fulfil his obligations under this Regulation shall be liable to the penalties which the Member States shall lay down in accordance with their national provisions.

Article 15

Pursuant to Article 30, periodic surveys may be organized on the trading of goods between Member States by private individuals and on movements of goods or on intra-Community operators excluded from the returns benefiting from simplification measures under specific provisions relating to the various statistics on the trading of goods.

Article 16

The Commission shall report to the European Parliament and the Council in good time on the operation of the Intrastat system for each category of statistics relating to the trading of goods between Member States covered by the Intrastat system, with a view to possible adaptation of the system at the end of the transitional period referred to in Article 1.

CHAPTER III

Statistics on trade between Member States

Article 17

Statistics on trade between Member States shall cover, on the one hand, movements of goods leaving the Member State of dispatch and, on the other, movements of goods entering the Member State of arrival.

Article 18

1. The Member State of dispatch shall be the Member State in which the goods leaving it are the subject of a dispatch.

'Dispatch' shall mean the shipment of goods referred to in paragraph 2 to a destination in another Member State.

2. In a given Member State the following may be the subject of a dispatch:

- (a) Community goods which, in that Member State:
 - are not in direct or interrupted transit,
 - are in direct or interrupted transit, but, having entered that Member State as non-Community goods, have subsequently been released for free circulation there;
- (b) non-Community goods placed, maintained or obtained in that Member State under inward processing customs arrangements or under arrangements for processing under customs control.

Article 19

The Member State of arrival shall be the Member State in which the goods entering it:

- (a) as Community goods:
 - are not in direct or interrupted transit in that Member State,
 - are in direct or interrupted transit in that Member State but leave it following formalities for export from the statistical territory of the Community;
- (b) as non-Community goods referred to in Article 18 (2) (b), are:
 - (1) released for free circulation;
 - (2) maintained under inward processing customs arrangements or under arrangements for processing under customs control or again made subject to such arrangements.

Article 20

With a view to collecting the data required for the statistics of trade between Member States, the provisions of Chapter II shall be supplemented as follows:

- (1) without prejudice to Article 34, the Intrastat system shall apply to the goods referred to in Articles 18 (2) (a) and 19 (a);
- (2) the partner countries in trading of goods between Member States within the meaning of Article 7 (1) shall be the Member State of dispatch and the Member State of arrival;
- (3) within the Intrastat system, the Member State of dispatch shall be defined as that in which the goods which are dispatched from there to another Member State come under the terms of Article 18 (2) (a) first indent and — in so far as the provisions of Article 28 (7) of Directive 77/388/EEC apply to them — second indent;

- (4) within the Intrastat system, the Member State of arrival shall be defined as that in which the goods which enter from another Member State come under the terms of Article 19 (a) first indent and — insofar as the provisions of Article 28 (7) of Directive 77/388/EEC apply to them — second indent ;
- (5) the party responsible for providing the information referred to in Article 8 shall be the natural or legal person who :
- (a) residing in the Member State of dispatch :
- has concluded the contract, with the exception of transport contracts, giving rise to the dispatch of goods or, failing this,
 - dispatches or provides for the dispatch of the goods or, failing this,
 - is in possession of the goods which are the subject of the dispatch ;
- (b) residing in the Member State of arrival :
- has concluded the contract, with the exception of transport contracts, giving rise to the delivery of goods or, failing this,
 - takes possession or provides for possession to be taken of the goods or, failing this,
 - is in possession of the goods which are the subject of the delivery ;
- (6) the Commission shall adopt the provisions provided for in Article 7 (3) in due course ;
- (7) without prejudice to Article 33, the reference period referred to in the first indent of Article 13 (2) shall be the calendar month during which the movements of goods to be recorded pursuant to this Article commence or are completed, as appropriate.

Article 21

On the statistical data medium to be transmitted to the competent departments :

- without prejudice to Article 34, goods shall be designated in such a way as to permit easy and precise classification in the finest relevant subdivision of the version of the combined nomenclature in force at the time ;
- the eight-digit code number of the corresponding subdivision of the combined nomenclature shall also be given for each type of goods.

Article 22

1. On the statistical data medium, the Member States shall be described by the alphabetical or numerical codes which the Commission shall determine pursuant to Article 30.
2. Without prejudice to the provisions adopted by the Commission pursuant to Article 30, the parties responsible for providing information shall comply, for the

purposes of paragraph 1, with the instructions issued by the competent national departments regarding the compiling of statistics on trade between Member States.

Article 23

1. For each type of goods, the statistical data medium to be transmitted to the competent departments must provide the following data :

- (a) in the Member State of arrival, the Member State of consignment of the goods, within the meaning of Article 24 (1) ;
- (b) in the Member State of dispatch, the Member State of destination of the goods, within the meaning of Article 24 (2) ;
- (c) the quantity of goods, in net mass and supplementary units ;
- (d) the value of the goods ;
- (e) the nature of the transaction ;
- (f) the delivery terms ;
- (g) the presumed mode of transport.

2. Member States may not prescribe that data other than those listed in paragraph 1 be provided on the statistical data medium, except for the following :

- (a) in the Member State of arrival, the country of origin ; however, this item may be required only as allowed by Community law ;
- (b) in the Member State of dispatch, the region of origin ; in the Member State of arrival, the region of destination ;
- (c) in the Member State of dispatch, the port or airport of loading ; in the Member State of arrival, the port or airport of unloading ;
- (d) in the Member State of dispatch and in the Member State of arrival, the presumed port or airport of transshipment situated in another Member State provided the latter prepares transit statistics ;
- (e) where appropriate, statistical procedure.

3. Insofar as not laid down in this Regulation, the data referred to in paragraphs 1 and 2 and the rules governing their inclusion on the statistical data medium shall be defined by the Commission pursuant to Article 30.

Article 24

1. When, before reaching the Member State of arrival, goods have entered one or more countries in transit and have been subject in those countries to halts or legal operations not inherent in their transport, the Member State of consignment shall be taken to be the last Member State where such halts or legal operations occurred. In other cases, the Member State of consignment shall be the same as the Member State of dispatch.

2. 'Member State of destination' means the last country to which it is known, at the time of dispatch, that the goods are to be dispatched.

3. Notwithstanding Article 23 (1) (a), the party responsible for providing information in the Member State of arrival may, in the following order:

- if he does not know the Member State of consignment, state the Member State of dispatch;
- if he does not know the Member State of dispatch, state the Member State of purchase, within the meaning of paragraph 4.

4. 'The Member State of purchase' means the Member State of residence of the contracting partner of the natural or legal person who has concluded the contract, with the exception of transport contracts, giving rise to the delivery of goods in the Member State of arrival.

Article 25

1. The Community and the Member States shall compile statistics on trade between Member States from the data referred to in Article 23 (1).

2. Member States which do not compile statistics on trade between Member States from the data referred to in Article 23 (2) shall refrain from ordering the collection of such data.

3. The Community and the Member States shall compile statistics on trade between Member States, having regard to such provisions as the Commission may adopt pursuant to Article 30 on general and specific exemptions and the statistical thresholds.

4. Any provision which has the effect of excluding goods referred to in Articles 18 and 19 from the compilation of the statistics of trade between Member States shall suspend the obligation to supply statistical information on the goods thus excluded.

Article 26

1. Member States shall transmit to the Commission their monthly statistics on trade between Member States. These statistics shall cover the data referred to in Article 23 (1).

2. Where necessary, the procedure for such transmission shall be laid down by the Commission pursuant to Article 30.

3. Data declared confidential by the Member States under the conditions referred to in Article 32 shall be transmitted by them in accordance with Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities⁽¹⁾.

⁽¹⁾ OJ No L 151, 15. 6. 1990, p. 1.

Article 27

Provisions regarding the simplification of statistical information shall be adopted by the Council on a proposal from the Commission.

Article 28

1. For the purposes of this Chapter, statistical thresholds shall be defined as limits expressed in terms of value, at which level the obligations incumbent on parties responsible for providing information shall be suspended or reduced.

These thresholds shall apply without prejudice to the provisions of Article 15.

2. The statistical thresholds shall be known as exclusion, assimilation or simplification thresholds.

3. Exclusion thresholds shall apply to the parties required to provide information referred to in the second subparagraph of Article 5.

They shall apply in all Member States and shall be determined, by each of the said Member States, in accordance with national tax provisions adopted pursuant to Directive 77/388/EEC.

4. Assimilation thresholds shall exempt parties required to provide information from having to supply the declarations referred to in Article 13 (1); the periodic tax declaration which they make as parties liable to account for VAT, including parties within the meaning of Article 11 (7), shall be considered to be the statistical declaration.

Assimilation thresholds shall apply in all Member States and shall be set, by each of the said Member States, at higher levels than the exclusion thresholds.

5. Simplification thresholds shall exempt parties required to provide information from the full provisions of Article 23; the declarations referred to in Article 13 (1) need only state for each type of goods, in addition to the code number referred to in the second indent of Article 21, the Member State of consignment or destination and the value of the goods.

Without prejudice to the first subparagraph of paragraph 9, they shall be applied at the levels determined by paragraph 8 in Member States whose assimilation thresholds are lower than these levels.

In Member States whose assimilation thresholds are set at levels equal to or, pursuant to the first subparagraph of paragraph 9, higher than those determined by paragraph 8, simplification thresholds shall be optional.

6. Assimilation and simplification thresholds shall be expressed in annual values of intra-Community trade operations.

They shall be determined by dispatch or arrival flows.

They shall apply separately to intra-Community operators at the dispatch stage and to intra-Community operators at the arrival stage. Without prejudice to paragraph 10, those Member States which elect to use the option set out in the first subparagraph of paragraph 9 may, however, determine the obligations of those responsible for providing the information at both the dispatch and the arrival stages in accordance with the flow for which the annual value of their intra-Community operations is highest.

The assimilation and simplification thresholds may vary from one Member State to another, by product group and by period.

7. With a view to the application of the assimilation and simplification thresholds by the Member States, the Commission shall determine, pursuant to Article 30, the quality requirements which must be met by the statistics compiled by the Member States under Article 25 (1).

8. The simplification thresholds shall be set at ECU 100 000 for dispatch and ECU 100 000 for arrival.

Pursuant to Article 30, the Commission may raise the simplification threshold levels, provided that the quality requirements referred to in paragraph 7 above are met.

9. Member States may, provided that the requirements set out in paragraph 7 are met, set their assimilation and simplification thresholds at levels higher than those in paragraph 8. They shall inform the Commission thereof.

Member States may, in order to comply with the requirements set out in paragraph 7, derogate to the extent necessary from the requirements of the second subparagraph of paragraph 5. They shall inform the Commission thereof.

The Commission may ask the Member States to justify the measures which they take by providing it with all appropriate information.

10. If Member States' application of the assimilation and simplification thresholds affects the quality of intra-Community trade statistics, bearing in mind the data supplied by the Member States, or increases the burden on parties required to provide information, such that the objectives of this Regulation are compromised, the Commission shall adopt, pursuant to Article 30, provisions which restore the conditions needed to ensure the required quality or to ease the burden.

CHAPTER IV

Committee on statistics relating to the trading of goods between Member States

Article 29

1. A Committee on the statistics relating to the trading of goods between Member States, hereinafter called 'the Committee', is hereby established. It shall be composed of

representatives of the Member States and chaired by a Commission representative.

2. The Committee shall draw up its rules of procedure.

3. The Committee may examine any question relating to the implementation of this Regulation raised by its chairman, either on his own initiative or at the request of the representative of a Member State.

Article 30

1. The provisions required for the implementation of this Regulation shall be adopted according to the procedure laid down in paragraph 2 and 3.

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

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

In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

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

CHAPTER V

Final provisions

Article 31

On a proposal from the Commission, the Council shall adopt the provisions necessary to enable the Community or its Member States to compile the statistics other than statistics of trade between Member States referred to in Article 4.

Article 32

1. On a proposal from the Commission, the Council shall decide on the conditions under which the Member States may declare data compiled in accordance with this Regulation, or the Regulations provided for herein, to be confidential.

2. Until the conditions referred to in paragraph 1 have been laid down, Member States' provisions on this matter shall apply.

Article 33

The Commission may, by the procedure laid down in Article 30, adapt as necessary the provisions of this Regulation :

- to the consequences of amendments to Directive 77/388/EEC ;
- to specific movements of goods within the meaning of the statistical regulations of the Community.

Article 34

1. In respect both of goods subject to the Intrastat system and of other goods, the Commission may, for the purpose of facilitating the task of the parties responsible for providing information, establish in accordance with Article 30 simplified data collection procedures and in particular create the conditions for increased use of automatic data processing and electronic data transmission.

2. In order to take account of their individual administrative arrangements, Member States may establish simplified procedures other than those referred to in paragraph 1, provided that those responsible for providing information may choose the procedures they will use.

Member States exercising this option shall inform the Commission accordingly.

Article 35

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

Except insofar as they require the Council or the Commission to adopt provisions implementing this Regulation before that date, Article 1 to 9, 11 13 (1) and 14 to 27 shall apply as from the date of implementation of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit⁽¹⁾.

As from the date referred to in the second subparagraph, Regulation (EEC) No 2954/85 shall be repealed and Regulation (EEC) No 1736/75 shall cease to apply to the statistics relating to the trading of goods between Member States to which it was applicable.

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

Done at Brussels, 7 November 1991.

For the Council
The President
P. DANKERT

⁽¹⁾ OJ No L 262, 26. 9. 1990, p. 1.

COUNCIL REGULATION (EEC) No 3331/91

of 11 November 1991

amending Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1734/91 ⁽²⁾, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 (2) and Article 2 of Regulation (EEC) No 2390/89 ⁽³⁾, as last amended by Regulation (EEC) No 2199/91 ⁽⁴⁾, set out the import facilities for wine products originating in third countries which offer specific guarantees through the provision of a certificate of origin and conformity and an analysis report; whereas Article 3 (2) of that Regulation limits the said facilities to a trial period expiring on 31 October 1991; whereas, taking into

account the time necessary to examine the implementation of future arrangements, the abovementioned period should be extended for three months,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 (2) of Regulation (EEC) No 2390/89, the date '31 October 1991' shall be replaced by '31 January 1992'.

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

It shall apply from 1 November 1991.

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

Done at Brussels, 11 November 1991.

*For the Council**The President*

H. J. SIMONS

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.⁽²⁾ OJ No L 163, 26. 6. 1991, p. 6.⁽³⁾ OJ No L 232, 9. 12. 1989, p. 7.⁽⁴⁾ OJ No L 203, 26. 7. 1991, p. 1.

COUNCIL REGULATION (EEC) No 3332/91
of 11 November 1991

amending Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1734/91 ⁽²⁾, and in particular Article 73 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 70 (1) of Regulation (EEC) No 822/87 provides that imported products covered by that Article must be accompanied by a certificate attesting that they satisfy the provisions on production, release for free circulation and, where appropriate, disposal for direct human consumption in the third country in which they originate.

Whereas Article 73 (1) of that Regulation stipulates that if the imported products in question have undergone oenological practices not allowed by Community rules or not consonant with the provisions of that Regulation or of those adopted pursuant thereto, they may not, except by way of a derogation, be offered or disposed of for direct human consumption; whereas the Council derogated from this principle by Regulation (EEC) No 1873/84 ⁽³⁾,

as last amended by Regulation (EEC) No 2200/91 ⁽⁴⁾; whereas the date of validity of this derogation expired on 31 October 1991; whereas, so that consultations can continue between the Community and the third country concerned with a view to an agreement on this matter, the term of validity of the said derogation should be extended for three months,

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 1 (1) of Regulation (EEC) No 1873/84, the date '31 October 1991' shall be replaced by '31 January 1992'.

Article 2

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

It shall apply from 1 November 1991.

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

Done at Brussels, 11 November 1991.

For the Council

The President

H. J. SIMONS

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 6.

⁽³⁾ OJ No L 176, 3. 7. 1984, p. 6.

⁽⁴⁾ OJ No L 203, 26. 7. 1991, p. 2, and Corrigendum published in OJ No L 257, 14. 9. 1991, p. 48.

COMMISSION REGULATION (EEC) No 3333/91

of 15 November 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2661/91⁽⁵⁾ and subsequent amending Regulations ;

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

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

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

Whereas these exchange rates being those recorded on 14 November 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 16 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 250, 7. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 15 November 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	126,60 ⁽²⁾ ⁽²⁾
0712 90 19	126,60 ⁽²⁾ ⁽²⁾
1001 10 10	177,54 ⁽¹⁾ ⁽²⁾
1001 10 90	177,54 ⁽¹⁾ ⁽²⁾
1001 90 91	154,17
1001 90 99	154,17
1002 00 00	160,90 ⁽⁶⁾
1003 00 10	140,00
1003 00 90	140,00
1004 00 10	128,47
1004 00 90	128,47
1005 10 90	126,60 ⁽²⁾ ⁽²⁾
1005 90 00	126,60 ⁽²⁾ ⁽²⁾
1007 00 90	137,27 ⁽⁴⁾
1008 10 00	63,24
1008 20 00	126,29 ⁽⁴⁾
1008 30 00	81,09 ⁽²⁾
1008 90 10	(7)
1008 90 90	81,09
1101 00 00	228,84 ⁽⁸⁾
1102 10 00	238,26 ⁽⁸⁾
1103 11 10	289,37 ⁽⁸⁾
1103 11 90	246,47 ⁽⁸⁾

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

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

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

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

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

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

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

⁽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 3334/91

of 15 November 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91 ⁽⁵⁾ 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 14 November 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 16 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 15 November 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
	11	12	1	2
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
	11	12	1	2	3
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 3335/91
of 15 November 1991
fixing the import levies on rice and broken rice

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

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

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

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2590/91 ⁽⁵⁾, as last amended by Regulation (EEC) No 3257/91 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 18 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 243, 31. 8. 1991, p. 5.

⁽⁶⁾ OJ No L 308, 9. 11. 1991, p. 9.

ANNEX

to the Commission Regulation of 15 November 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (¹) (²) (³) (⁴) Bangladesh	Third countries (except ACP or OCT) (⁵)
1006 10 21	—	149,52	306,25
1006 10 23	213,08	138,45	284,11
1006 10 25	213,08	138,45	284,11
1006 10 27	213,08	138,45	284,11
1006 10 92	—	149,52	306,25
1006 10 94	213,08	138,45	284,11
1006 10 96	213,08	138,45	284,11
1006 10 98	213,08	138,45	284,11
1006 20 11	—	187,80	382,81
1006 20 13	266,36	173,97	355,14
1006 20 15	266,36	173,97	355,14
1006 20 17	266,36	173,97	355,14
1006 20 92	—	187,80	382,81
1006 20 94	266,36	173,97	355,14
1006 20 96	266,36	173,97	355,14
1006 20 98	266,36	173,97	355,14
1006 30 21	—	232,69	489,23 (⁵)
1006 30 23	430,34 (⁵)	275,01	573,79 (⁵)
1006 30 25	430,34 (⁵)	275,01	573,79 (⁵)
1006 30 27	430,34 (⁵)	275,01	573,79 (⁵)
1006 30 42	—	232,69	489,23 (⁵)
1006 30 44	430,34 (⁵)	275,01	573,79 (⁵)
1006 30 46	430,34 (⁵)	275,01	573,79 (⁵)
1006 30 48	430,34 (⁵)	275,01	573,79 (⁵)
1006 30 61	—	248,16	521,03 (⁵)
1006 30 63	461,33 (⁵)	295,20	615,11 (⁵)
1006 30 65	461,33 (⁵)	295,20	615,11 (⁵)
1006 30 67	461,33 (⁵)	295,20	615,11 (⁵)
1006 30 92	—	248,16	521,03 (⁵)
1006 30 94	461,33 (⁵)	295,20	615,11 (⁵)
1006 30 96	461,33 (⁵)	295,20	615,11 (⁵)
1006 30 98	461,33 (⁵)	295,20	615,11 (⁵)
1006 40 00	—	65,30	136,61

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(⁵) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 3336/91

of 15 November 1991

fixing the premiums to be added to the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2591/91 ⁽³⁾, as last amended by Regulation (EEC) No 3258/91 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 243, 31. 8. 1991, p. 8.

⁽⁴⁾ OJ No L 308, 9. 11. 1991, p. 11.

ANNEX

to the Commission Regulation of 15 November 1991 fixing the premiums to be added to the import levies on rice and broken rice

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	11	12	1	2
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 3337/91
of 13 November 1991
concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 2381/91 ⁽⁴⁾, provides for common sole quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES divisions II and IV by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1991; whereas Belgium has prohibited

fishing for this stock as from 8 November 1991; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions II and IV by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1991.

Fishing for common sole in the waters of ICES divisions II and IV by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 8 November 1991.

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

Done at Brussels, 13 November 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 219, 7. 8. 1991, p. 2.

COMMISSION REGULATION (EEC) No 3338/91
of 13 November 1991
concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 2381/91 ⁽⁴⁾, provides for common sole quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII h, j and k by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1991; whereas Belgium has prohibited

fishing for this stock as from 8 November 1991; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII h, j and k by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1991.

Fishing for common sole in the waters of ICES division VII h, j and k by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 8 November 1991.

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

Done at Brussels, 13 November 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 219, 7. 8. 1991, p. 2.

COMMISSION REGULATION (EEC) No 3339/91

of 14 November 1991

laying down rates of compensatory interest applicable during the first half of 1992 to customs debts incurred in relation to compensating products or goods in the unaltered state (inward processing relief arrangements)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2228/91 of 26 June 1991 laying down provisions for the implementation of Regulation (EEC) No 1999/85 on inward processing relief arrangements ⁽²⁾, and in particular Article 62 (4) (a) thereof ;

Whereas Article 62 (4) (a) of Regulation (EEC) No 2228/91 provides that the Commission shall set rates of compensatory interest applicable to customs debts incurred in relation to compensating products or goods in the unaltered state, in order to make up for the unjustified financial advantage arising from the postponement of the date on which the customs debt is incurred in the case of non-exportation out of the customs territory of the Community ; whereas the rates of compensatory interest

for the first half of 1992 must be established in accordance with the rules laid down in that Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The annual rates of compensatory interest referred to in Article 62 (4) (a) of Regulation (EEC) No 2228/91 applicable for the period from 1 January until 30 June 1992 are hereby established as follows :

Belgium	9,41 %,
Denmark	9,76 %,
Federal Republic of Germany	9,07 %,
Greece	22,65 %,
Spain	13,75 %,
France	9,63 %,
Ireland	10,71 %,
Italy	12,47 %,
Luxembourg	9,41 %,
Netherlands	9,19 %,
Portugal	17,48 %,
United Kingdom	12,39 %.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 14 November 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 188, 20. 7. 1985, p. 1.

⁽²⁾ OJ No L 210, 31. 7. 1991, p. 1.

COMMISSION REGULATION (EEC) No 3340/91
of 15 November 1991
amending Regulation (EEC) No 3007/84 laying down detailed rules for the
application of the premium for producers of sheepmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 5 of Regulation (EEC) No 3013/89 provides for the grant of a premium for sheepmeat and goatmeat producers; whereas the detailed rules on the application of the premium are laid down in Commission Regulation (EEC) No 3007/84⁽³⁾, as last amended by Regulation (EEC) No 3107/91⁽⁴⁾, which specifies, *inter alia*, the obligations to be met by recipients of the premium and the consequences of not meeting those obligations; whereas, both as regards the date on which the minimum period for keeping the animals begins and as regards the period during which the checks are to be carried out, the said Regulation lays down special provisions to be applied in those Member States which have introduced a system for recording livestock movements;

Whereas experience has shown that checks in those Member States can be made more effective by aligning the said provisions on those applicable in the other Member States; whereas provision should therefore be made, by deleting the second paragraph of Article 2, for the same minimum period for keeping the animals in all Member States; whereas the second subparagraph of Article 5 (1) should also be amended so as to provide that, in those Member States which have introduced a recording system, at least 50 % of on-the-spot inspections take place within the period laid down for keeping the animals;

Whereas defining the particulars which must at least be included in the abovementioned stock movement recording systems will make it possible for those systems to be better adjusted to checking requirements;

Whereas unannounced inspection visits can help to improve the checks provided for in Regulation (EEC) No 3007/84;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3007/84 is hereby amended as follows:

1. The second paragraph of Article 2 is deleted.
2. The following is added to the end of the first subparagraph of Article 5 (1):

‘The inspection visits in principle must be unannounced.’

3. The third subparagraph of Article 5 (1) is replaced by the following:

‘However, Member States which have introduced a system for continuously recording livestock movements must carry out up to 50 % of the minimum number of on-the-spot inspections required within the hundred-day period during which the flock must be kept on the holding.’

The recording system introduced must be capable of reflecting, continuously and clearly, the actual live stock situation. It must include the following particulars:

- dates on which females mated for the first time gave birth and number concerned,
- dates on which ewes and/or she-goats were purchased, together with the number and seller, or the place of purchase in the case of sales by auction,
- dates on which ewes and/or she-goats were sold, together with the number and purchaser, or the place of sale in the case of sales by auction,
- cases of *force majeure* and natural circumstances which have led to a reduction in the flock of ewes and/or she-goats with details of the date and the number of animals involved.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 283, 27. 10. 1984, p. 28.

⁽⁴⁾ OJ No L 294, 25. 10. 1991, p. 16.

The Member States concerned shall inform the Commission of the national provisions adopted for this purpose.

In those Member States, the premium shall be granted subject to the producer's keeping a register permitting the introduction of the continuous recording system referred to above, subject to Article 6.

Article 2

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

It shall apply from the 1992 marketing year, with the exception of point 1 of Article 1, which shall apply from the 1993 marketing year.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3341/91

of 15 November 1991

fixing the maximum buying-in price and the quantities of beef bought in for the 57th partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 2457/91⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EEC) No 2765/91⁽⁶⁾;

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

Whereas, after the tenders submitted for the 57th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the

market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 57th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

the maximum buying-in price is hereby fixed at ECU 267 per 100 kilograms of carcasses or half-carcasses of quality R3,

tenders exceeding ECU 263,367 in Germany shall not be taken into consideration,

the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 22 326 tonnes; the quantities offered are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

(i) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:

— the maximum buying-in price is hereby fixed at ECU 266 per 100 kilograms of carcasses or half-carcasses of quality R3,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 226, 14. 8. 1991, p. 6.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 265, 21. 9. 1991, p. 17.

- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 3 553 tonnes; the quantities offered are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;
- (ii) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (4) of Regulation (EEC) No 805/68 :
 - the maximum buying-in price per 100 kilograms of carcasses or half-carcasses of quality R3 is hereby fixed at :
 - ECU 247,768 in Germany,
 - ECU 255,897 in Ireland,
 - ECU 265,416 in Northern Ireland,
 - ECU 265,707 in Great Britain
 - the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 31 212 tonnes.

Article 2

This Regulation shall enter into force on 18 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 3342/91

of 15 November 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1626/91 ⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1991/92 year, has been fixed by Commission Regulation (EEC) No 2607/91 ⁽⁹⁾;

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

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

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85 ⁽¹³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹⁴⁾,
- 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;

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 10.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 169, 29. 6. 1991, p. 46.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 150, 15. 6. 1991, p. 11.

⁽⁸⁾ OJ No L 150, 15. 6. 1991, p. 13.

⁽⁹⁾ OJ No L 243, 31. 8. 1991, p. 55.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽¹⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1899/91 ⁽¹⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article

12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 29. 6. 1991, p. 29.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Peas used :							
— in Spain	7,560	7,718	7,876	8,034	8,192	8,350	8,350
— in Portugal	7,577	7,735	7,893	8,051	8,209	8,367	8,367
— in another Member State	7,704	7,862	8,020	8,178	8,336	8,494	8,494
Field beans used :							
— in Spain	7,704	7,862	8,020	8,178	8,336	8,494	8,494
— in Portugal	7,577	7,735	7,893	8,051	8,209	8,367	8,367
— in another Member State	7,704	7,862	8,020	8,178	8,336	8,494	8,494

Products used in animal feed :

(ECU per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
A. Peas used :							
— in Spain	9,348	9,410	9,441	9,598	9,756	10,168	10,390
— in Portugal	9,398	9,461	9,492	9,650	9,807	10,217	10,437
— in another Member State	9,398	9,461	9,492	9,650	9,807	10,217	10,437
B. Field beans used :							
— in Spain	9,348	9,410	9,441	9,598	9,756	10,168	10,390
— in Portugal	9,398	9,461	9,492	9,650	9,807	10,217	10,437
— in another Member State	9,398	9,461	9,492	9,650	9,807	10,217	10,437
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,922	11,795	11,625	11,625	11,625	11,965	12,261
— in Portugal	11,989	11,862	11,694	11,694	11,694	12,031	12,325
— in another Member State	11,989	11,862	11,694	11,694	11,694	12,031	12,325
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,922	11,795	11,625	11,625	11,625	11,965	12,261
— in Portugal	11,989	11,862	11,694	11,694	11,694	12,031	12,325
— in another Member State	11,989	11,862	11,694	11,694	11,694	12,031	12,325

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

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

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	228,885	128,812	6,89509	0,767417	1 538,24	2,31643	177,382	0,703750

COMMISSION REGULATION (EEC) No 3343/91

of 15 November 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1849/91 ⁽³⁾, as last amended by Regulation (EEC) No 3315/91 ⁽⁴⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 14 November 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 16.

⁽⁴⁾ OJ No L 313, 14. 11. 1991, p. 23.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 15 November 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,80 ⁽¹⁾
1701 11 90	39,80 ⁽¹⁾
1701 12 10	39,80 ⁽¹⁾
1701 12 90	39,80 ⁽¹⁾
1701 91 00	44,70
1701 99 10	44,70
1701 99 90	44,70 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 3344/91
of 15 November 1991
fixing the amount of the subsidy on oil seeds

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

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2922/91 ⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commis-

sion Regulation (EEC) No 3198/91 ⁽⁷⁾, as amended by Regulation (EEC) No 3279/91 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3198/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 16 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 279, 7. 10. 1991, p. 43.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 303, 1. 11. 1991, p. 34.

⁽⁸⁾ OJ No L 308, 9. 11. 1991, p. 52.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

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

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	15,680	15,958	16,296	16,434	15,202	15,480
— Portugal	24,760	25,038	25,376	25,514	24,282	24,560
— Other Member States	15,680	15,958	16,296	16,434	15,202	15,480
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	36,91	37,57	38,36	38,69	35,79	36,44
— Netherlands (Fl)	41,59	42,33	43,23	43,59	40,32	41,06
— BLEU (Bfrs/Lfrs)	761,36	774,86	791,27	797,97	738,15	751,65
— France (FF)	123,80	126,00	128,67	129,76	120,03	122,22
— Denmark (Dkr)	140,80	143,30	146,34	147,58	136,51	139,01
— Ireland (£ Irl)	13,779	14,024	14,321	14,442	13,359	13,605
— United Kingdom (£)	12,314	12,535	12,805	12,914	11,918	12,140
— Italy (Lit)	27 620	28 109	28 705	28 948	26 778	27 237
— Greece (Dr)	3 801,83	3 859,16	3 907,53	3 908,31	3 574,83	3 516,71
— Spain (Pta)	2 415,43	2 457,24	2 507,90	2 525,87	2 344,64	2 372,45
— Portugal (Esc)	5 244,56	5 302,37	5 370,18	5 392,32	5 142,42	5 176,90

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	16,930	17,208	17,546	17,684	16,452	16,730
— Portugal	26,010	26,288	26,626	26,764	25,532	25,810
— Other Member States	16,930	17,208	17,546	17,684	16,452	16,730
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	39,86	40,51	41,31	41,63	38,73	39,39
— Netherlands (Fl)	44,91	45,65	46,54	46,91	43,64	44,38
— BLEU (Bfrs/Lfrs)	822,06	835,56	851,97	858,67	798,85	812,35
— France (FF)	133,67	135,87	138,54	139,63	129,90	132,09
— Denmark (Dkr)	152,03	154,53	157,56	158,80	147,74	150,23
— Ireland (£ Irl)	14,878	15,122	15,419	15,540	14,458	14,703
— United Kingdom (£)	13,308	13,529	13,799	13,908	12,913	13,134
— Italy (Lit)	29 821	30 311	30 906	31 149	28 979	29 439
— Greece (Dr)	4 116,99	4 174,31	4 222,68	4 223,46	3 889,98	3 831,86
— Spain (Pta)	2 603,97	2 645,78	2 696,44	2 714,41	2 533,18	2 560,98
— Portugal (Esc)	5 505,40	5 563,21	5 631,03	5 653,17	5 403,27	5 437,75

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1. Gross aids (ECU):					
— Spain	26,243	26,752	27,083	27,606	26,918
— Portugal	33,425	33,931	34,262	34,781	34,112
— Other Member States	14,995	15,501	15,832	16,351	15,682
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	35,30	36,49	37,27	38,49	36,92
— Netherlands (Fl)	39,78	41,12	42,00	43,37	41,60
— BLEU (Bfrs/Lfrs)	728,10	752,67	768,74	793,94	761,46
— France (FF)	118,39	122,39	125,00	129,10	123,82
— Denmark (Dkr)	134,65	139,20	142,17	146,83	140,82
— Ireland (£ Irl)	13,177	13,622	13,913	14,369	13,781
— United Kingdom (£)	11,727	12,132	12,395	12,811	12,269
— Italy (Lit)	26 413	27 304	27 887	28 801	27 623
— Greece (Dr)	3 589,20	3 702,51	3 738,79	3 832,48	3 648,97
— Portugal (Esc)	7 068,21	7 172,59	7 238,82	7 337,46	7 202,52
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 018,37	4 094,44	4 144,23	4 218,55	4 117,87
— in another Member State (Pta)	4 085,05	4 160,64	4 210,43	4 284,33	4 186,40

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

ANNEX IV

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

(value of ECU 1)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
DM	2,045120	2,043930	2,043290	2,042450	2,042450	2,040050
Fl	2,303400	2,302430	2,301230	2,300370	2,300370	2,298100
Bfrs/Lfrs	42,107800	42,088900	42,072900	42,062600	42,062600	42,019300
FF	6,989590	6,986760	6,982680	6,979570	6,979570	6,970850
Dkr	7,936930	7,932210	7,926700	7,923790	7,923790	7,915120
£Irl	0,765555	0,765200	0,764822	0,764343	0,764343	0,761651
£	0,704133	0,704452	0,704543	0,704641	0,704641	0,704695
Lit	1 535,68	1 537,11	1 538,80	1 540,16	1 540,16	1 544,96
Dr	230,86300	232,81100	235,11700	237,08900	237,08900	244,19800
Esc	176,04200	176,56400	177,05500	177,49100	177,49100	178,77000
Pta	128,70100	129,01000	129,26200	129,52400	129,52400	130,24500

COMMISSION REGULATION (EEC) No 3345/91

of 15 November 1991

fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 1724/91 ⁽²⁾, and in particular Article 2(7) thereof,Whereas the amount of the aid referred to in Article 2(1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 2795/91 ⁽³⁾, as last amended by Regulation (EEC) No 3280/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2795/91 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the aid provided for in Article 2 of Regulation (EEC) No 1491/85 shall be as set out in the Annex hereto.

2. However, the amount of the aid for the 1991/92 marketing year for soya seed shall be confirmed or replaced with effect from 16 November 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 16 November 1991.

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

Done at Brussels, 15 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 November 1991 fixing the aid for soya beans

(ECU/100 kg)

	Current period 11 ⁽¹⁾	First period 12 ⁽¹⁾	Second period 1 ⁽¹⁾	Third period 2 ⁽¹⁾	Fourth period 3 ⁽¹⁾	Fifth period 4 ⁽¹⁾
Seed harvested	22,007	21,989	21,778	21,786	21,646	21,716

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

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 35.

⁽³⁾ OJ No L 269, 25. 9. 1991, p. 22.

⁽⁴⁾ OJ No L 308, 9. 11. 1991, p. 55.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 November 1991

on the allocation of the remaining quantity of the import quota for meat of bovine animals, frozen, pursuant to Article 3 of Council Regulation (EEC) No 3838/90

(91/590/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3838/90 of 20 December 1990 opening and providing for the administration of a Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (1991) (1), and in particular Article 4 thereof,

Whereas Regulation (EEC) No 3838/90 provides for the allocation during the fourth quarter of 1991 of quantities not covered by import licence applications at 31 August 1991; whereas those quantities amount to 29,456 tonnes according to notifications from the Member States;

Whereas, when the reference quantities and quantities applied for pursuant to Article 4 (1) and the third subparagraph of Article 4 (2) of Commission Regulation (EEC) No 3885/90 (2), as last amended by Regulation (EEC) No 3021/91 (3), were notified to the Commission by the national authorities, the figures were wrong in certain cases;

Whereas, in view of the fact that the operators concerned are not responsible for the mistakes made and with a view to ensuring sound administration of this Community import quota, the remaining quantities should be shared out among the operators affected by the mistake in forwarding the figures;

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

HAS ADOPTED THIS DECISION:

Article 1

In the framework of the Community tariff quota for meat of bovine animals, frozen, provided for in Regulation (EEC) No 3838/90, the quantities which were not covered by import licence applications at 31 August 1991, namely 29 456 tonnes, shall be allocated as follows:

1. 5,524 tonnes to Beca, 40054 Prunario di Budrio (Italy);
2. 4,818 tonnes to Silca Spa, Saronno (Italy);
3. 0,230 tonnes to Guardamiglio Carni Spa, Guardamiglio (Italy);
4. 16,689 tonnes to Import — en Groothandelsonderneeming van Messel, BV-Rotterdam (Netherlands).

Article 2

1. Import licences for the quantities referred to in Article 1 may be issued from the day of notification of this Decision.

2. The provisions of Commission Regulation (EEC) No 2377/80 (4) shall apply.

(1) OJ No L 367, 29. 12. 1990, p. 3.

(2) OJ No L 367, 29. 12. 1990, p. 136.

(3) OJ No L 287, 17. 10. 1991, p. 11.

(4) OJ No L 241, 13. 9. 1980, p. 5.

3. However, notwithstanding Articles 3 and 6 of Regulation (EEC) No 2377/80, the security for the import licences shall be ECU 10 per 100 kilograms net weight and the term of validity of the licences shall expire on 31 December 1991.

4. Securities as referred to in paragraph 3 shall be lodged when the import licences are issued.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 5 November 1991

amending Commission Decision 90/613/EEC approving derogations provided for by Italy from certain provisions of Council Directive 77/93/EEC in respect of seed potatoes originating in Poland

(Only the Italian text is authentic)

(91/591/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 91/27/EEC⁽²⁾, and in particular Article 14 (2) thereof and Annex IV, part A (24), thereto,

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

Whereas, nevertheless, Article 14 (1) (c) (iii) of the above-mentioned Directive permits Member States to provide for derogations with regard to the rule relating to the suppression of the faculty of germination, provided that there is no risk of harmful organisms spreading; whereas these derogations are subject to approval, under certain conditions, in accordance with Article 14 (2) and must also comply with the conditions laid down in Annex IV, part A (24);

Whereas in Italy the growing of potatoes of the Sieglinde variety has been an established practice; whereas part of the supply of seed potatoes of this variety has been ensured by imports from Poland;

Whereas derogations provided for by Italy have already been approved for the last four seed-potato marketing seasons, by Commission Decisions 88/177/EEC⁽³⁾, 88/632/EEC⁽⁴⁾ 89/606/EEC⁽⁵⁾ and 90/613/EEC⁽⁶⁾ based

on the concept of 'closed zones'; subject to certain technical conditions to prevent the risk of harmful organisms spreading;

Whereas Italy has stated that it intends to provide for derogations for the current seed-potato marketing season;

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

Whereas Poland has developed a programme to eradicate these harmful organisms on a regional basis; whereas there are good reasons to believe that the programme to eradicate these harmful organisms has become fully effective, at least in certain 'closed zones' (strefy zamknięte) of the voievodship of Lomza;

Whereas there have been no findings of the diseases on samples drawn from seed potatoes imported pursuant to Decision 90/613/EEC; whereas Poland informed the Commission that the seed potatoes of the variety Sieglinde grown in 1991 in the aforementioned 'closed zones' originate from a Member State where *Corynebacterium sepedonicum* is not known to occur, and have been officially certified under Council Directive 66/403/EEC⁽⁷⁾, as last amended by Directive 91/217/EEC⁽⁸⁾; whereas, however, it has not been established, on the basis of available information collected during a mission carried out in Poland in 1990, that there are elements which would militate against the proper functioning of the aforementioned concept of 'closed zones' and therefore against the recognition of the provisions implemented as equivalent to the Community provisions on combating *Corynebacterium sepedonicum*;

Whereas it can therefore be established that there is no risk of the harmful organisms in question spreading, provided that the seed potatoes originate in such zones and that certain special technical conditions are complied with;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

⁽³⁾ OJ No L 80, 25. 3. 1988, p. 52.

⁽⁴⁾ OJ No L 350, 20. 12. 1988, p. 59.

⁽⁵⁾ OJ No L 348, 29. 11. 1989, p. 31.

⁽⁶⁾ OJ No L 328, 28. 11. 1990, p. 20.

⁽⁷⁾ OJ No 125, 11. 7. 1966, p. 2320/66.

⁽⁸⁾ OJ No L 60, 7. 3. 1991, p. 18.

Whereas the Commission will ensure that Poland makes all technical information available which is necessary to monitor the protective measures required under the aforementioned conditions, and to assess the development of the Polish eradication programme;

Whereas therefore derogations provided for by Italy, should now be approved for the current potato marketing season, provided that they include the aforementioned conditions and without prejudice to Directive 66/403/EEC and to Council Directive 70/457/EEC ⁽¹⁾, as last amended by Directive 90/654/EEC ⁽²⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 90/613/EEC is hereby amended as follows:

1. in Article 2, '1 June 1991' is replaced by '1 June 1992';
2. in Article 3, '15 October 1990 until 31 March 1991', is replaced by '15 October 1991 until 31 March 1992';

3. in Article 3, '31 March 1991' is replaced by '31 March 1992';

4. in the Annex under (b),

'The seed potatoes shall have been produced exclusively from seed potatoes of the "Elite" category, supplied by the official Plant Improvement Station of Lubleno in the voievodship of Gdansk.' is replaced by

'The seed potatoes shall have been produced exclusively from seed potatoes of the "Elite" category, imported from a Member State where *Corynebacterium sepedonicum* is not known to occur.';

5. in the Annex, under (g), '15 April 1991' is replaced by '15 April 1992'.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 5 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 48.

COMMISSION DECISION

of 5 November 1991

amending Commission Decision 89/599/EEC approving derogations provided for by Greece, Italy and Portugal from certain provisions of Council Directive 77/93/EEC in respect of seed potatoes originating in Canada

(Only the Greek, Italian and Portuguese texts are authentic)

(91/592/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 91/27/EEC⁽²⁾, and in particular Article 14 (2) and Annex IV, part A (24), thereof,

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

Whereas, nevertheless, Article 14 (1) (c) (iii) of the above-mentioned Directive permits Member States to provide for derogations with regard to the rule relating to the suppression of the faculty of germination, provided that there is no risk of harmful organisms spreading; whereas these derogations are subject to approval, under certain conditions, in accordance with Article 14 (2) and must also comply with the conditions laid down in Annex IV, part A (24);

Whereas in Greece, Italy and Portugal the growing of potatoes of certain North American varieties has been an established practice; whereas part of the supply of seed potatoes of these varieties has been ensured by imports from Canada;

Whereas, by Decisions 86/120/EEC⁽³⁾, 87/154/EEC⁽⁴⁾ as amended by Decision 87/311/EEC⁽⁵⁾, 88/176/EEC⁽⁶⁾ as amended by Decision 88/496/EEC⁽⁷⁾, 89/32/EEC⁽⁸⁾ and 89/599/EEC⁽⁹⁾, the Commission approved derogations based on the concept of 'areal freedom', subject to certain technical conditions to prevent the risk of harmful organisms spreading; whereas that approval expired on 31 March 1989; whereas the Commission also provided that those derogations would provide for the opportunity to seek confirmation of the proper functioning of the concept of 'areal freedom';

Whereas Greece, Italy and Portugal have stated that they intend to provide for derogations for the next seed-potato marketing season;

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

Whereas Canada has further developed its programme to eradicate these harmful organisms in the provinces of New Brunswick and Prince Edward Island; whereas there are good reasons to believe that the programme to eradicate potato spindle tuber viroid has become fully effective in those provinces, and that the programme to eradicate *Corynebacterium sepedonicum* has become fully effective in certain areas of these provinces; whereas there have been no findings of the disease on samples drawn from seed potatoes imported pursuant to Decision 89/599/EEC; whereas, as a precaution, the areas in which the seed potatoes used for the production of the relevant lots were produced, and those in which the relevant lots themselves were produced, should no longer be qualified as areas declared free from *Corynebacterium sepedonicum*; whereas it has not been established that there are sufficient elements which would militate against the proper functioning of the aforementioned concept of 'areal freedom' and therefore against the recognition of the provisions implemented there as equivalent to the Community provisions on combating *Corynebacterium sepedonicum*;

⁽³⁾ OJ No L 99, 15. 4. 1986, p. 31.

⁽⁴⁾ OJ No L 65, 10. 3. 1987, p. 12.

⁽⁵⁾ OJ No L 159, 19. 6. 1987, p. 19.

⁽⁶⁾ OJ No L 80, 25. 3. 1988, p. 48.

⁽⁷⁾ OJ No L 266, 27. 9. 1988, p. 39.

⁽⁸⁾ OJ No L 15, 19. 1. 1989, p. 21.

⁽⁹⁾ OJ No L 344, 25. 11. 1989, p. 31.

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

Whereas it can therefore be established that there is no risk of the harmful organisms in question spreading, provided that the seed potatoes originate in areas declared, on scientific evidence, free from both potato spindle tuber viroid and from *Corynebacterium sepedonicum*, and that certain improved special technical conditions are complied with; whereas the Commission will ensure that Canada makes all technical information available which is necessary to monitor the functioning of the protective measures required under the aforementioned technical conditions and to assess the functioning of the aforementioned concept of 'areal freedom';

Whereas, therefore, the derogations provided for by Greece, Italy and Portugal should be approved for the next seed-potato marketing season, provided that they include the aforementioned conditions and without prejudice to Council Directive 66/403/EEC⁽¹⁾, as last amended by Directive 91/127/EEC⁽²⁾, and to Council Directive 70/457/EEC⁽³⁾, as last amended by Directive 90/654/EEC⁽⁴⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 89/599/EEC is hereby amended as follows:

1. in Article 1 (1), the variety Atlantic is added to the list of varieties as follows,
'in respect of the seed potatoes of the varieties Atlantic, Donna, Kennebec, Russet Burbank, Sebago and Shepody originating in Canada';

2. in Article 1 (2), point (b) is replaced by the following text:

'(b) the seed potatoes shall be certified officially as seed potatoes meeting at least the conditions laid down for the 'Foundation' category. However, no seed potatoes originating in the areas where, in 1990, the lots which showed infection by *Corynebacterium sepedonicum* on samples drawn in the Community were produced and the areas where the seed potatoes which produced these lots were produced, shall be officially certified for export to the Community';

3. in Article 1 (2) (f), '15 April 1990 and again by 15 April 1991' is replaced by '15 April 1992';
4. in Article 2, '1 June 1990 and again before 1 June 1991' is replaced by '1 June 1992';
5. in Article 3, '1 November 1989 until 31 March 1990 and from 1 November 1990 until 31 March 1991' is replaced by '1 November 1991 until 31 March 1992';
6. in Article 3, '31 March 1991' is replaced by '31 March 1992'.

Article 2

This Decision is addressed to the Hellenic Republic, to the Italian Republic and to the Portuguese Republic.

Done at Brussels, 5 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2320/66.

⁽²⁾ OJ No L 60, 7. 3. 1991, p. 18.

⁽³⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽⁴⁾ OJ No L 353, 17. 12. 1990, p. 48.

COMMISSION DECISION

of 5 November 1991

amending Decision 89/152/EEC authorizing certain Member States to provide for exceptions to certain provisions of Council Directive 77/93/EEC in respect of potatoes for human consumption originating in Cuba

(Only the German, French and Dutch texts are authentic)

(91/593/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 91/27/EEC⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, Germany, Luxembourg and the Netherlands,

Whereas under the provisions of Directive 77/93/EEC, potato tubers originating in Cuba, may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas, however, Article 14 (3) of the said Directive permits exceptions to that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas the early growing in Cuba of potatoes for human consumption from seed potatoes supplied by Member States has become an established practice; whereas part of the early supply of potatoes for human consumption in the Community has been ensured by imports of such material from Cuba;

Whereas by Decisions 87/306/EEC⁽³⁾, 88/223/EEC⁽⁴⁾ and 89/152/EEC⁽⁵⁾, the Council and the Commission authorized such derogations under special technical conditions in respect of potatoes for human consumption originating in China;

Whereas Decision 89/152/EEC stipulated that the authorization shall expire on 20 April 1991;

Whereas the circumstances justifying the authorization still obtain;

Whereas the authorization should therefore be extended for a further period;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 89/152/EEC is hereby amended as follows:

1. In Article 2 (1), '20 April 1991' is replaced by '30 April 1992'.
2. In Annex II, under 8, '1989' is replaced by '1991'.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands.

Done at Brussels, 5 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 41.

⁽⁴⁾ OJ No L 100, 19. 4. 1988, p. 44.

⁽⁵⁾ OJ No L 59, 2. 3. 1989, p. 29.