

Official Journal

of the European Communities

ISSN 0378-6978

L 6

Volume 34

9 January 1991

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 37/91 of 8 January 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 38/91 of 8 January 1991 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 39/91 of 8 January 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1	5
* Commission Regulation (EEC) No 40/91 of 7 January 1991 extending retrospective Community surveillance of imports of certain products originating in Japan	8
* Commission Regulation (EEC) No 41/91 of 7 January 1991 extending retrospective Community surveillance of imports into the Community of footwear originating in all non-member countries	9
* Commission Regulation (EEC) No 42/91 of 7 January 1991 extending the Community surveillance of imports of certain products originating in Japan	10
* Commission Regulation (EEC) No 43/91 of 7 January 1991 extending Regulation (EEC) No 235/86 introducing a Community surveillance of imports of video tape recorders originating in South Korea	11
Commission Regulation (EEC) No 44/91 of 8 January 1991 fixing the import levies on white sugar and raw sugar	12
* Commission Regulation (EEC) No 45/91 of 8 January 1991 laying down detailed rules for applying the supplementary trade mechanism to imports of rice into Portugal	14

II *Acts whose publication is not obligatory*

Commission

91/4/Euratom :

★ **Commission Recommendation of 7 December 1990 on the application of Article 37 of the Euratom Treaty 16**

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 37/91

of 8 January 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 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 3844/90⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 7 January 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 3844/90 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 9 January 1991.

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

Done at Brussels, 8 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 13.

ANNEX

to the Commission Regulation of 8 January 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	(ECU/tonne)	
	Levies	
	Third country	
0709 90 60	140,09	(²) (³)
0712 90 19	140,09	(²) (³)
1001 10 10	196,97	(¹) (²)
1001 10 90	196,97	(¹) (²)
1001 90 91	190,15	
1001 90 99	190,15	
1002 00 00	155,72	(⁴)
1003 00 10	147,86	
1003 00 90	147,86	
1004 00 10	145,39	
1004 00 90	145,39	
1005 10 90	140,09	(²) (³)
1005 90 00	140,09	(²) (³)
1007 00 90	147,20	(⁴)
1008 10 00	59,71	
1008 20 00	122,98	(⁴)
1008 30 00	70,59	(⁵)
1008 90 10	(⁷)	
1008 90 90	70,59	
1101 00 00	280,23	(⁸)
1102 10 00	232,03	(⁸)
1103 11 10	318,69	(⁸)
1103 11 90	301,56	(⁸)

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

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

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

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

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

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

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

(⁸) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 38/91

of 8 January 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 7 January 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 9 January 1991.

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

Done at Brussels, 8 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 8 January 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	1	2	3	4
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	3,27	3,20	3,19
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	1	2	3	4	5
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 39/91

of 8 January 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽²⁾, as last amended by Regulation (EEC) No 1075/89 ⁽³⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 10 December 1990, the level of the premium and the amount to be charged on products leaving that region;

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

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

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat ⁽⁴⁾ the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 10 December 1990, the variable slaughter premium

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 10 December 1990, the level of the premium is fixed at ECU 83,232 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 10 December 1990, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 10 December 1990.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 8 January 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 8 January 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	39,119	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	83,232	0
0204 21 00	83,232	0
0204 50 11		0
0204 22 10	58,262	
0204 22 30	91,555	
0204 22 50	108,202	
0204 22 90	108,202	
0204 23 00	151,482	
0204 30 00	62,424	
0204 41 00	62,424	
0204 42 10	43,697	
0204 42 30	68,666	
0204 42 50	81,151	
0204 42 90	81,151	
0204 43 00	113,612	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	108,202	
0210 90 19	151,482	
1602 90 71 :		
— unboned (bone-in)	108,202	
— boned or boneless	151,482	

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

COMMISSION REGULATION (EEC) No 40/91
of 7 January 1991
extending retrospective Community surveillance of imports of certain products
originating in Japan

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

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as last amended by Regulation (EEC) No 3156/90 ⁽²⁾, and in particular Article 10 (1) thereof,

Having consulted the committee set up under the above-mentioned Regulation,

Whereas Commission Regulation (EEC) No 1530/89 ⁽³⁾, as amended by Regulation (EEC) No 4031/89 ⁽⁴⁾, introduced Community retrospective surveillance to importation of certain products originating in Japan expire on 31 December 1990;

Whereas the temporary decided on by the Government of the United States of America on 17 April 1987 which gave rise to the introduction of Community surveillance are still partially applicable;

Whereas it is accordingly appropriate to continue to monitor the trend of imports into the Community of the products concerned by Commission Regulation (EEC) No 1530/89,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 1530/89, '31 December 1990' is replaced by '31 December 1991'.

Article 2

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

It shall apply with effect from 1 January 1991.

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

Done at Brussels, 7 January 1991.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 304, 1. 11. 1990, p. 5.

⁽³⁾ OJ No L 150, 2. 6. 1989, p. 15.

⁽⁴⁾ OJ No L 382, 30. 12. 1989, p. 70.

COMMISSION REGULATION (EEC) No 41/91

of 7 January 1991

extending retrospective Community surveillance of imports into the Community
of footwear originating in all non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, as last amended by Regulation (EEC) No 3156/90⁽²⁾, and in particular Article 10 (1) thereof,Having regard to Council Regulation (EEC) No 1765/82 of 30 June 1982 on common rules for imports from State-trading countries⁽³⁾, as last amended by Regulation (EEC) No 1243/86⁽⁴⁾, and Council Regulation (EEC) No 1766/82 of 30 June 1982 on common rules for imports from the People's Republic of China⁽⁵⁾, as last amended by Regulation (EEC) No 1409/86⁽⁶⁾, and in particular Article 10 (1) thereof,

Consultations having been held within the committees set up under Article 5 of the said Regulations,

Whereas by Decision 78/560/EEC⁽⁷⁾, as last amended by Regulation (EEC) No 2854/79⁽⁸⁾, the Commission set up a system of retrospective surveillance for imports into theCommunity of footwear corresponding to CN codes 6401 10 to 6405 90; whereas the period of validity of the said Decision was extended to 31 December 1990 by Commission Regulation (EEC) No 274/90⁽⁹⁾; the reasons which led the Commission to take this action continue to apply,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 274/90, '31 December 1990' is replaced by '31 December 1991'.

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

It shall apply with effect from 1 January 1991.

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

Done at Brussels, 7 January 1991.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.⁽²⁾ OJ No L 304, 1. 11. 1990, p. 5.⁽³⁾ OJ No L 195, 5. 7. 1982, p. 1.⁽⁴⁾ OJ No L 113, 30. 4. 1986, p. 1.⁽⁵⁾ OJ No L 195, 5. 7. 1982, p. 21.⁽⁶⁾ OJ No L 128, 14. 5. 1986, p. 25.⁽⁷⁾ OJ No L 188, 11. 7. 1978, p. 28.⁽⁸⁾ OJ No L 323, 19. 12. 1979, p. 6.⁽⁹⁾ OJ No L 30, 1. 2. 1990, p. 54.

COMMISSION REGULATION (EEC) No 42/91

of 7 January 1991

extending the Community surveillance of imports of certain products
originating in Japan

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

Having regard to Council Regulation (EEC) No 288/82 of
5 February 1982 on common rules for imports ⁽¹⁾, as last
amended by Regulation (EEC) No 3156/90 ⁽²⁾, and in
particular Article 10 (1) thereof,

Having consulted the committee set up under the above-
mentioned Regulation,

Whereas Commission Regulation (EEC) No 653/83 ⁽³⁾, as
last amended by Regulation (EEC) No 4030/89 ⁽⁴⁾, intro-
duced until 31 December 1990 Community retrospective
surveillance of imports of certain products originating in
Japan;

Whereas it is necessary to continue in 1991 retrospective
surveillance of the imports of the abovementioned
products, originating in Japan;

Whereas the reasons which were the basis for Regulation
(EEC) No 653/83 are essentially still valid and conse-
quently the surveillance regime should be extended;

Whereas technical errors in the CN codes for certain
products under surveillance have to be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 of Regulation (EEC) No 653/83, '31
December 1990' is replaced by '31 December 1991'.

Article 2

To the products listed in the Annex of Regulation (EEC)
No 4030/89 should be added to CN code 8540 11 50 and
an 'ex' should be placed in front of CN codes 8703 10 10
and 8703 90 90.

Article 3

This Regulation shall enter into force on the day follo-
wing its publication in the *Official Journal of the Euro-
pean Communities*.

It shall apply with effect from 1 January 1991.

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

Done at Brussels, 7 January 1991.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 304, 1. 11. 1990, p. 5.

⁽³⁾ OJ No L 77, 23. 3. 1983, p. 8.

⁽⁴⁾ OJ No L 382, 30. 12. 1989, p. 68.

COMMISSION REGULATION (EEC) No 43/91

of 7 January 1991

extending Regulation (EEC) No 235/86 introducing a Community surveillance of imports of video tape recorders originating in South Korea

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as last amended by Regulation (EEC) No 3156/90 ⁽²⁾, and in particular Article 10 thereof,

Having consulted the committee set up under the above-mentioned Regulation,

Whereas Commission Regulation (EEC) No 235/86 ⁽³⁾, as last amended by Regulation (EEC) No 4029/89 ⁽⁴⁾, extended until 31 December 1990 Community surveillance of imports of video tape recorders originating in South Korea;

Whereas the reasons which were the basis for Regulation (EEC) No 235/86 are essentially still valid and conse-

quently the surveillance regime should be extended to these products,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EEC) No 235/86, '31 December 1990' is replaced by '31 December 1991'.

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

It shall apply with effect from 1 January 1991.

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

Done at Brussels, 7 January 1991.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.⁽²⁾ OJ No L 304, 1. 11. 1990, p. 5.⁽³⁾ OJ No L 29, 4. 2. 1986, p. 12.⁽⁴⁾ OJ No L 382, 30. 12. 1989, p. 67.

COMMISSION REGULATION (EEC) No 44/91

of 8 January 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 3577/90 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 18/91 ⁽⁴⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 7 January 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 9 January 1991.

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

Done at Brussels, 8 January 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 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 2, 4. 1. 1991, p. 13.

⁽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 8 January 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,90 ⁽¹⁾
1701 11 90	39,90 ⁽¹⁾
1701 12 10	39,90 ⁽¹⁾
1701 12 90	39,90 ⁽¹⁾
1701 91 00	44,73
1701 99 10	44,73
1701 99 90	44,73 ⁽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 45/91

of 8 January 1991

laying down detailed rules for applying the supplementary trade mechanism to imports of rice into Portugal

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 251 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Council Regulation (EEC) No 3659/90 of 11 December 1990 on products subject to the supplementary trade mechanism during the second stage of Portuguese accession ⁽³⁾ provides that the STM is to apply during the second stage on the terms set out in Articles 250, 251 and 252 of the Act of Accession; whereas in the case of rice falling within CN code 1006, but not including codes 1006 10 10 and 1006 40 00, the STM is to apply during periods which are critical to the marketing of rice produced in Portugal;

Whereas Article 251 (1) of the Act of Accession provides for the fixing of a target import ceiling taking into account Portugal's traditional import flows and the gradual opening up of the Portuguese market; whereas, during the period starting with the entry into force of this Regulation and ending on 28 February 1991, a *pro rata* target ceiling of 10 000 tonnes of husked-rice equivalent should be fixed; whereas the quantity of rice falling within CN code 1006 30 should be fixed as a subtotal of this;

Whereas the target ceiling is to be fixed in tonnes of husked-rice equivalent; whereas it should be specified that the conversion rates referred to in Article 1 of Commission Regulation No 467/67/EEC of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing ⁽⁴⁾, as last amended by Regulation (EEC) No 2325/88 ⁽⁵⁾, apply for converting to tonnes of husked-rice equivalent the quantities given in STM licences as issued;

Whereas, to prevent speculative applications for STM licences, the validity of such licences should be fixed at a

relatively short duration which is sufficient for the completion of the import operation(s) under normal conditions; whereas, to ensure that licence obligations are properly observed, holders of STM licences should be required to lodge a security;

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

HAS ADOPTED THIS REGULATION:

Article 1

The measures provided for in this Regulation shall apply to the products referred to in point 7 of the Annex to Regulation (EEC) No 3659/90.

Article 2

1. The target ceiling referred to in Article 251 of the Act of Accession is hereby fixed at 10 000 tonnes of husked-rice equivalent for the period starting with the entry into force of this Regulation and ending on 28 February 1991.

2. As a subtotal of the quantity referred to in paragraph 1, the target ceiling for products falling within CN code 1006 30 is hereby fixed at 25 %.

3. The conversion rates provided for in Article 1 of Regulation No 467/67/EEC shall apply for converting to husked-rice equivalent the quantities covered by STM licences.

Article 3

1. STM licences for imports of rice shall be valid from the date of issue until the end of the second month following their issue.

2. Applications for STM licences shall be accompanied by the lodging of a security of 10 Ecus per tonne of rice covered.

Article 4

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

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 362, 27. 12. 1990, p. 38.

⁽⁴⁾ OJ No 204, 24. 8. 1967, p. 1.

⁽⁵⁾ OJ No L 202, 27. 7. 1988, p. 41.

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

Done at Brussels, 8 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 7 December 1990

on the application of Article 37 of the Euratom Treaty

(91/4/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 37 and 124 thereof,

Having consulted the group of experts appointed in accordance with Article 31 of the Treaty by the Scientific and Technical Committee.

Whereas Article 37 requires that each Member State is to provide the Commission with such general data relating to any plan for the disposal of radioactive waste in whatever form as would make it possible to determine whether the implementation of such plan is liable to result in the radioactive contamination of the water, soil or airspace of another Member State. The Commission is to deliver its opinion within six months, after consulting the group of experts referred to in Article 31;

Considering the experience acquired in the application of the Commission recommendations of 16 November 1960 ⁽¹⁾ and 82/181/Euratom ⁽²⁾ concerning the application of Article 37 of the Treaty;

Whereas the Court of Justice of the European Communities in its judgment in Case 187/87 ⁽³⁾ rules that: 'Article 37 of the Treaty of 25 March 1957 establishing the European Atomic Energy Community must be interpreted as meaning that the Commission of the European Communities must be provided with general data relating to any plan for the disposal of radioactive waste before such disposal is authorized by the competent authorities of the Member State concerned.'

Whereas in the same judgment the Court stated that: 'Consequently, it must be acknowledged that, (...) where a Member State makes the disposal of radioactive waste

subject to authorization, the Commission's opinion must, in order to be rendered fully effective, be brought to the notice of that State before the issue of any such authorization.'

Whereas to ensure that the basic safety standards for the health protection of the population are uniformly applied and to appraise disposal plans in a consistent manner, it is necessary to specify the information to be supplied;

HEREBY RECOMMENDS:

1. That the 'disposal of radioactive waste' within the meaning of Article 37 of the Treaty should cover any form of disposal, planned or accidental, of radioactive substances from the operations listed in the three categories below.

CATEGORY 1 OPERATIONS

- (1) The operation of nuclear reactors
- (2) The reprocessing of irradiated nuclear fuel

CATEGORY 2 OPERATIONS

- (1) The mining, milling and conversion of uranium and thorium
- (2) U 235 enrichment of uranium
- (3) The fabrication of nuclear fuel
- (4) The processing and storage ^(*) of radioactive waste arising from category 1 and category 2 operations
- (5) The sea dumping of radioactive waste from category 1 and category 2 operations

⁽¹⁾ OJ No 81, 21. 12. 1960, p. 1893/60.

⁽²⁾ OJ No L 83, 29. 3. 1982, p. 15.

⁽³⁾ Report of Cases before the Court (1988), p. 5013.

^(*) Provided that the operation is not incorporated in a plan submitted under another heading.

- (6) The land or sea burial of radioactive waste from category 1 and category 2 operations
- (7) The storage⁽¹⁾ of irradiated nuclear fuel on sites other than those involving category 1 operations
- (8) The dismantling⁽²⁾ of installations involving category 1 operations
- (9) The handling or processing of radioactive substances on an industrial scale.

CATEGORY 3 OPERATIONS

All other operations giving rise to radioactive waste.

- 2. That 'general data' within the meaning of Article 37 of the Treaty be understood to mean :
 - for category 1 operations the information set out in Annexes 1A and 2,
 - for category 2 operations other than (5) and (6) the information set out in Annex 1A and for category 2, operations (5) and (6), that set out in Annex 1B,
 - for category 3 operations the information set out in paragraph 8 (b).
- 3. That, for plans involving category 1 and category 2 operations, the relevant parts of the 'general data' listed in Annex 1A or 1B be submitted to the Commission whenever possible one year but not less than six months
 - before any authorization for the disposal of radioactive waste is granted by the competent authorities,
 - or
 - before start-up of those category 2 operations for which no disposal authorization is foreseen.
- 4. That, for plans involving category 1 operations, the preliminary 'general data' listed in Annex 2 be submitted to the Commission before permission for construction is granted by the competent authorities.
- 5. That, if a Member State considers it appropriate, it may request from the Commission an opinion on any plan for the disposal of radioactive waste on its own territory and not called for by the present recommendation.
- 6. That, if a plan for the disposal of radioactive waste, on which an opinion has already been given under the

terms of Article 37, is modified such that this could cause an appreciable increase of the exposure of the population of another Member State, the relevant 'general data' be submitted to the Commission whenever possible one year but not less than six months before any new authorization for the disposal of radioactive waste is granted by the competent authorities.

- 7. That, since submission of a plan for the disposal of radioactive waste is the responsibility of the relevant Member State, that Member State accept responsibility for all information submitted to the Commission in respect of such a plan.
- 8. That there be communicated to the Commission :
 - (a) every two years, a statement of the radioactive waste discharges from each installation involving category 1 or category 2 operations ;
 - (b) every five years, an estimate of the total radioactive liquid waste discharges from all category 3 operations into any water medium (e.g. hydrographic basin, sea, etc.). This estimate may be based on the discharge data for individual installations or on measurements in the receiving water medium ;
 - (c) prior to any dumping of radioactive waste in the sea, a copy of the notification communicated to other international bodies.
- 9. That the Government concerned informs the Commission of the actions it envisages in response to any recommendation given in an opinion of the Commission on a disposal plan.
- 10. That Member States communicate to the Commission for information the authorization(s) for radioactive waste disposal.

This recommendation is addressed to the Member States.

It replaces recommendation 82/181/Euratom.

Done at Brussels, 7 December 1990.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

⁽¹⁾ Provided that the operation is not incorporated in a plan submitted under another heading.

⁽²⁾ Stage 2 or 3, as defined by the International Atomic Energy Agency (*Safety Series No 52*, IAEA, Vienna, 1980).

ANNEX 1A

'GENERAL DATA'

applicable to category 1 operations and category 2 operations other than (5) and (6)

INTRODUCTION

General presentation of the plan

1. THE SITE AND ITS SURROUNDINGS

1.1 Geographical and topographical situation of the site with

- a map of the region showing the location of the site.
- the location of the plant in relation to other nuclear installations, existing or planned, on the same or other site(s), discharges from which may have implications for discharges from the plant in question,
- the location of the plant with regard to other Member States giving the distances from frontiers and closest conurbations.

1.2. Geology — Seismology

Brief description of

- the main geological features of the region,
- the degree of seismic activity; probable maximum seismic intensity and designated plant seismic response.

1.3. Hydrology

For a plant situated beside a watercourse

Description of the watercourse with

- a general description of its path (major features, main tributaries, estuary, etc.),
- the average waterflow at the site,
- the maximum and minimum waterflows stating frequency and periods of occurrence.

Where the river flows through the territory of one or more other Member States downstream of the site, corresponding information in respect of the State(s).

For a plan situated on the coast

General description of the coastal area with

- heights of the tides,
- direction and force of currents, both local and regional.

In both cases

- flood-risk and protection of the site,
- water-table level and direction of flow.

1.4 Meteorology and climatology

- regional climatology taking account of orographic features (plains, valleys, mountain ranges),
- local climatology with frequency distributions of:
 - wind directions and speeds,
 - precipitation intensity and duration,
 - for each wind sector, atmospheric dispersion conditions and duration of temperature inversions.

1.5. Natural resources

Brief description of

- soil characteristics and ecological features of the region,
- water utilization in the region for drinking, irrigation, etc,
- principal food resources, methods and scale of production ; crops, stock breeding, fishing, hunting, for discharges into the sea, data on fishing in territorial and extra-territorial waters,
- foodstuffs distribution system and particularly the export to other Member States of agricultural products, fish or game from the regions concerned.

1.6. Other activities in the vicinity of the site

- industrial or military sites, surface and aerial traffic, bulk transport by pipeline,
- possible influence on the plant ; protective measures,
- regulations covering industrial or other development.

1.7. Population

- distribution of the populations of interest in other Member States,
- pattern of daily life and eating habits of these populations ;

main features ; the data required concern the population distribution (density), noting conurbations and any particular characteristics in so far as these are related to the risk of exposure from discharges through the significant exposure pathways.

2. THE PLANT**2.1. Main features of the plant**

Brief description of the plant, giving the type, purpose and main features

- for reactors : main features of the reactor, the reactor building, the auxiliary installations, the fuel storage facilities, safety provisions, etc,
- for other plants or laboratories : main features of processes used ; throughput of radioactive and fissile materials, installations which make up the plant, safety provisions, etc.

2.2. Ventilation system

Schematic diagrams and description indicating function in normal operating conditions and in the case of an accident, air flows, relative pressures in the buildings and heights of release ; data on filters, their efficiency, methods and frequency of testing.

2.3. Containments

Brief description and main characteristics ; methods and frequency of testing for leaktightness.

2.4. Time scale

- commissioning period and date for routine operation of the plant,
- present stage of licensing procedure.

2.5. Decommissioning and dismantling of the plant

Outline of technical and administrative provisions

3. RELEASE OF AIRBORNE RADIOACTIVE EFFLUENTS IN NORMAL OPERATION**3.1. Authorization procedure in force**

- outline of the general procedure involved,
- discharge limits envisaged by the authorities (if not available, maximum discharges foreseen).

3.2. Technical aspects

- origins of these radioactive effluents, their composition and physico-chemical forms,
- purification and holdup of these effluents, methods and paths of release.

3.3. Monitoring of discharges

- sampling, measurement and analysis of discharges,
- principal features of the monitoring equipment,
- alarm levels, intervention actions (manual and automatic).

3.4. Evaluation of transfer to man**3.4.1. models and parameters used to calculate :**

- atmospheric dispersion of the effluents,
- ground deposition and resuspension,
- transfer via food chains,
- exposure levels via the significant exposure pathways.

3.4.2. evaluation of concentration and exposure levels associated with discharges cited in 3.1. above :

- in the case of continuous release : average annual concentrations of activity in the atmosphere near the ground and surface contamination levels.
- in the case of intermittent release and planned special release : time integrated concentrations in the atmosphere near the ground and surface contamination levels.

These data are to be provided for the most exposed areas in the vicinity of the plant and for relevant areas in other Member States.

- corresponding exposure levels ⁽¹⁾ : dose equivalents to those living in the relevant areas of other Member States taking account of all significant exposure pathways.

3.5. Radioactive discharges to atmosphere from those installations cited under 1.1.

Where appropriate, procedures for coordination with discharges from other installations, where there may be an additive effect for the exposure levels.

4. RELEASE OF LIQUID RADIOACTIVE EFFLUENTS IN NORMAL OPERATION**4.1. Authorization procedure in force**

- outline of the general procedure involved,
- discharge limits envisaged by the authorities (if not available, maximum discharges foreseen).

⁽¹⁾ The values submitted should reflect the fact that the results can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

4.2. Technical aspects

- origins of these radioactive effluents, their composition and physico-chemical forms,
- treatment of these effluents, storage capacities, methods and paths of release.

4.3. Monitoring of discharges

- sampling, measurement and analysis of discharges,
- principal features of monitoring equipment,
- alarm levels, intervention actions (manual and automatic).

4.4. Evaluation of transfer to man**4.4.1. models and parameters used to calculate :**

- aquatic dispersion of the effluents,
- their transfer by sedimentation and ion exchange,
- transfer via food chains,
- exposure levels via the significant exposure pathways.

4.4.2. evaluation of the exposure levels⁽¹⁾ associated with the discharges cited in 4.1 above : dose equivalents to those living in relevant areas of other Member States, taking account of all significant exposure pathways.**4.5. Radioactive discharges into the same receiving waters by other installations**

Where appropriate, procedures for coordination with discharges from other installations, where there may be an additive effect for the exposure levels.

5. DISPOSAL OF SOLID RADIOACTIVE WASTE**5.1. Categories of solid radioactive wastes and estimated amounts****5.2. Processing and packaging****5.3. Intermediate storage ; storage capacities and conditions, radiological risks to the environment, precautions taken****6. UNPLANNED RELEASES OF RADIOACTIVE EFFLUENTS****6.1. Review of accidents of internal and external origin which could result in unplanned releases of radioactive substances**

List of the accidents studied in the safety report.

6.2. Reference accident(s) taken into consideration by the competent national authorities for evaluating possible radiological consequences in the case of unplanned releases

Outline of the accident(s) considered and justification of its (their) choice.

6.3. Evaluation of the radiological consequences of the reference accident(s)

⁽¹⁾ The values submitted should reflect that the results can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

6.3.1. Entailing releases to atmosphere

- assumptions used to calculate the releases to atmosphere,
- release paths; time pattern of the releases,
- amounts and physico-chemical forms of those radionuclides released which are significant from the point of view of health,
- models and parameters used to calculate for the releases their atmospheric dispersion, ground deposition, resuspension and transfer via food chains and to evaluate the exposure levels via the significant exposure pathways,
- maximum time-integrated concentrations of radioactivity in the atmosphere near the ground and maximum surface contamination levels (in dry and wet weather) for the most exposed areas in the vicinity of the plant and for relevant areas in other Member States,
- corresponding exposure levels⁽¹⁾: dose equivalent to those living in relevant areas of other Member States taking account of all significant exposure pathways.

6.3.2. Entailing releases into an aquatic environment

- assumptions used to calculate the liquid releases,
- release paths, time pattern of releases,
- amounts and physico-chemical forms of those radionuclides released which are significant from the point of view of health,
- models and parameters used to calculate for the releases their aquatic dispersion, their transfer by sedimentation and ion exchange, their transfer via food chains and to evaluate the exposure levels via the significant exposure pathways,
- corresponding exposure levels⁽¹⁾: dose equivalents to those living in the vicinity of the plant and in relevant areas of other Member States taking account of all significant exposure pathways.

6.4. Emergency plans; agreements with other Member States

Brief description of emergency planning zones, emergency reference levels of dose, bilateral or multilateral agreements on transfrontier communications and mutual assistance, rehearsals, reviewing and updating of emergency plans.

7. ENVIRONMENTAL MONITORING

- external radiation levels,
- radioactivity in air, water, soil and the food chains.

With reference to 3.1 and 4.1 above, monitoring programmes as approved by the competent national authorities, organization, sample forms and frequency, type of monitoring instruments used in normal and accidental circumstances; where appropriate, any collaboration arrangements in this respect with neighbouring Member States.

⁽¹⁾ The values submitted should reflect that the results can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

ANNEX 1B**'GENERAL DATA'**

applicable to category 2, operations (5) and (6)

(for plans concerning new disposal sites)

1. The site and surroundings

Location, depth, geology, seismology, and

for a sea site: seabed characteristics (including the presence of pipelines and submarine cables) currents and other dispersion mechanisms, relevant biological data, risk of disturbance (e.g. by exploitation of marine resources, by dumping of other wastes etc.)

for a land site: hydrology, use of land and of ground water, repository design including safety features and capacity, long term control of the site.

2. The wastes

Volumes, radionuclides present, activities, prohibited wastes, conditioning and packaging, assumed leak rates and, where appropriate, heat release rates.

3. Environmental effects

Assessment of the radiological consequences to the environment.

4. Operational procedures

Including measures to be taken in the event of incidents.

5. Monitoring

Radiation monitoring programme(s).

*ANNEX 2***PRELIMINARY 'GENERAL DATA'****applicable to category 1 operations****1. The site and its surroundings**

- map of the region showing the location of the plant with regard to other nearby nuclear installations and to other Member States,
- main seismic characteristics of the region,
- main characteristics of the waterbodies receiving radioactive effluents,
- main regional and local climatological characteristics,
- industrial or military activities in the vicinity of the plant,
- population distribution in adjacent regions of other Member States concerned.

2. The plant

- brief description of the plant and its main safety features,
- time scale of plant construction.

3. Forecast releases of radioactive effluents

- estimate of annual radioactive discharges and their radiological consequences.

4. Accidental releases of radioactive effluents

- list of accidents considered in the preliminary safety report,
 - preliminary evaluation of the radiological consequences of the reference accident(s).
-