

Official Journal

of the European Communities

ISSN 0378-6978

L 233

Volume 33

28 August 1990

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2465/90 of 27 August 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2466/90 of 27 August 1990 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2467/90 of 27 August 1990 fixing the maximum buying-in price and the quantities of beef bought in for the 29th partial invitation to tender under Regulation (EEC) No 1627/89	5
Commission Regulation (EEC) No 2468/90 of 27 August 1990 on the supply of various consignments of cereals as food aid	7
Commission Regulation (EEC) No 2469/90 of 27 August 1990 on the supply of white sugar as food aid	11
* Commission Regulation (EEC) No 2470/90 of 27 August 1990 concerning the stopping of fishing for cod by vessels flying the flag of Spain	14
Commission Regulation (EEC) No 2471/90 of 27 August 1990 fixing the amount of the subsidy on oil seeds	15

II *Acts whose publication is not obligatory*

Commission

90/456/EEC:

* Commission Decision of 1 August 1990 concerning the provision in Spain of international express courier services	19
---	-----------

Contents (continued)

90/457/EEC :

- ★ **Commission Decision of 2 August 1990 amending Decision 90/17/EEC adopting the 1990 plan allocating to the Member States resources to be charged to the 1990 budget year for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community 24**

90/458/EEC :

Commission Decision of 7 August 1990 fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued under Regulation (EEC) No 1983/90 26

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 2465/90
of 27 August 1990**

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 1340/90⁽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 1801/90⁽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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 24 August 1990;

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 1801/90 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 28 August 1990.

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

Done at Brussels, 27 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 27 August 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	36,66	142,24 ⁽²⁾ ⁽³⁾
0712 90 19	36,66	142,24 ⁽²⁾ ⁽³⁾
1001 10 10	14,02	185,80 ⁽¹⁾ ⁽²⁾
1001 10 90	14,02	185,80 ⁽¹⁾ ⁽²⁾
1001 90 91	21,81	154,83
1001 90 99	21,81	154,83
1002 00 00	47,31	126,83 ⁽⁴⁾
1003 00 10	38,54	137,92
1003 00 90	38,54	137,92
1004 00 10	30,18	123,70
1004 00 90	30,18	123,70
1005 10 90	36,66	142,24 ⁽²⁾ ⁽³⁾
1005 90 00	36,66	142,24 ⁽²⁾ ⁽³⁾
1007 00 90	53,63	154,68 ⁽⁴⁾
1008 10 00	38,54	59,87
1008 20 00	38,54	105,94 ⁽⁴⁾
1008 30 00	38,54	13,37 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	38,54	13,37
1101 00 00	43,70	229,93
1102 10 00	79,41	190,73
1103 11 10	34,80	300,11
1103 11 90	47,01	248,14

(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).

COMMISSION REGULATION (EEC) No 2466/90

of 27 August 1990

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 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 1340/90 ⁽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 1802/90 ⁽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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 24 August 1990;

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

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 Portugal shall be zero.
2. 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 28 August 1990.

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

Done at Brussels, 27 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 11. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 27 August 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	1,51
0712 90 19	0	0	0	1,51
1001 10 10	0	1,54	1,54	1,54
1001 10 90	0	1,54	1,54	1,54
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	1,32
1004 00 90	0	0	0	1,32
1005 10 90	0	0	0	1,51
1005 90 00	0	0	0	1,51
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	19,59	19,59	26,27
1008 90 90	0	19,59	19,59	26,27
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2467/90

of 27 August 1990

fixing the maximum buying-in price and the quantities of beef bought in for the
29th 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 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 571/89⁽²⁾, and in particular Article 6 (7) 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 2271/90⁽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 2416/90⁽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;

Whereas, after the tenders submitted for the 29th 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, moreover, since the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No

805/68 are met in respect of certain Member States or regions of Member States and certain quality groups, all the tenders relating thereto which do not exceed 80 % of the intervention price should be accepted;

Whereas the scale of the quantities awarded warrants the application of the possibility provided for in Article 13 (2) of Regulation (EEC) No 859/89 of extending the period during which the intervention products are to be delivered by one week;

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 29th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 271 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 25 019 tonnes; the quantities offered at a price equal to or greater than ECU 268 per 100 kilograms are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price of less or equal to ECU 268 per 100 kilograms are reduced by 45 %;

(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 271 per 100 kilograms of carcasses or half-carcasses of quality R3,
 - the maximum quantity accepted is hereby fixed at 293 tonnes; the quantities offered at a price greater than ECU 268 per 100 kilograms are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price equal to or less than ECU 268, per 100 kilograms are reduced by 45 %;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.⁽⁴⁾ OJ No L 204, 2. 8. 1990, p. 45.⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.⁽⁶⁾ OJ No L 227, 21. 8. 1990, p. 6.

(ii) in the Member States or regions of Member States which meet the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 :

- the maximum buying-in price is hereby fixed at ECU 274,4 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted is hereby fixed at 25 926 tonnes.

Article 2

By way of derogation from the first sentence of Article 13 (2) of Regulation (EEC) No 859/89, the delivery period for the intervention products is hereby extended by one week.

Article 3

This Regulation shall enter into force on 28 August 1990.

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

Done at Brussels, 27 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2468/90

of 27 August 1990

on the supply of various consignments of cereals as food aid

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 7 760 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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

Article 2

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

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

Done at Brussels, 27 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

LOTS A and B

1. **Operations Nos** ⁽¹⁾: 635/90 — 636/90
2. **Programme**: 1990
3. **Recipient**: Euronaid, Rhijngesteerstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Pakistan
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.6)
8. **Total quantity**: 2 000 tonnes (4 110 tonnes of cereals)
9. **Number of lots**: two (A: 1 500 tonnes / b: 1 500 tonnes)
10. **Packaging and marking** ⁽⁴⁾ ⁽⁵⁾ ⁽⁷⁾ ⁽⁹⁾ ⁽¹¹⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2 (c))
Marking on the bags in letters at least 5 cm high: see Annex II
A: 'ACTION No 635/90 / WHEATFLOUR / 904702 / PESHAWAR VIA KARACHI / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / FOR FREE DISTRIBUTION'
B: 'ACTION No 636/90 / WHEATFLOUR / 904703 / PESHAWAR VIA KARACHI / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / FOR FREE DISTRIBUTION'
11. **Method of mobilization**: on the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**:
A: before 15. 10. 1990
B: 1. — 15. 11. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 11. 9. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
(a) **deadline for the submission of tenders**: 18. 9. 1990, at 12 noon
A: before 20. 10. 1990
Partie B: 1. — 15. 11. 1990
(b) **period for making the goods available at the port of shipment**: A: before 20. 10. 1990
B: 1. — 15. 11. 1990
(c) **deadline for the supply**: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁶⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁸⁾: refund applicable on 30. 8. 1990, fixed by Commission Regulation (EEC) No 2188/90 (OJ No L 198, 28. 7. 1990, p. 25)

LOT C

1. **Operation No** ⁽¹⁾: 634/90
2. **Programme**: 1990
3. **Recipient**: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** ⁽²⁾ ⁽⁷⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Senegal
6. **Product to be mobilized**: sorghum
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁵⁾ ⁽⁶⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.5)
8. **Total quantity**: 3 650 tonnes
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁷⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B1(c))
— marking on the bags, in letters at least 5 cm high:
'ACTION N° 634/90 / PROJET 0427100 / SORGHO / DAKAR / EN TRANSIT POUR LE SÉNÉGAL / FOURNI PAR LE PROGRAMME ALIMENTAIRE MONDIAL / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed ⁽¹²⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15 — 31. 10. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 11. 9. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 18. 9. 1990, at 12 noon
 - (b) period for making the goods available at the port of shipment: 15 — 31. 10. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁸⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁹⁾: refund applicable on 30. 8. 1990, fixed by Commission Regulation (EEC) No 2188/90 (OJ No L 198, 28. 7. 1990, p. 25)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
- 235 01 32
236 10 97
235 01 30
236 20 05
- (⁵) The successful tenderer shall give the beneficiaries' representatives a health certificate at the time of delivery.
- (⁶) The successful tenderer shall give the beneficiaries' representatives a certificate of origin at the time of delivery.
- (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁸) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (¹⁰) Shipment to take place in 20-foot containers, conditions FCL/LCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provision of the second subparagraph of Article 13 (2) of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (¹¹) The supplier should send a duplicate of the original invoice to :
- MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
- (¹²) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.

COMMISSION REGULATION (EEC) No 2469/90
of 27 August 1990
on the supply of white sugar as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 340 tonnes of sugar;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Sugar shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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

Article 2

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

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

Done at Brussels, 27 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30.12.1986, p. 1.

⁽²⁾ OJ No L 174, 7.7.1990, p. 6.

⁽³⁾ OJ No L 136, 26.5.1987, p. 1.

⁽⁴⁾ OJ No L 204, 25.7.1987, p. 1.

ANNEX

1. **Operation No** (1): 342/90
2. **Programme**: 1990
3. **Recipient** (2) (3): UNRWA Headquarters, Vienna International Center, PO Box 700, A-1400 Vienna; telex 135310 UNRWA A
4. **Representative of the recipient** (2): UNRWA Field Supply and Transport Officer, SAR, PO Box 4313 Damascus, SAR
5. **Place or country of destination**: Lebanon
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (2) (4): white sugar of category 2 standard quality (Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 340 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (2): new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kg (in 20-foot containers 'FLC/LCL shipper's count-load and stowage') (5)
Marking on bags (at least 5 cm high):
'ACTION No 340/90 / SUGAR / GIFT OF THE EUROPEAN COMMUNITY TO UNRWA TO PALESTINE REFUGEES / LATTAKIA FOR LEBANON'
11. **Method of mobilization** (7): sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lattakia
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 — 15. 10. 1990
18. **Deadline for the supply**: 31. 10. 1990
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 11. 9. 1990 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 18. 9. 1990 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 — 15. 10. 1990
 - (c) deadline for the supply: 31. 10. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (6): periodic refund applicable to white sugar on 15. 8. 1990 fixed by Commission Regulation (EEC) No 2384/90 (OJ No L 220, 15. 8. 1990, p. 18)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annexes, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of the Annexes,
 - or by telecopier on one of the following numbers in Brussels :
- 235 01 32
236 10 97
235 01 30
236 20 05
- (⁵) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annexes.
- (⁷) The rule provided at the second indent in point (a) of Article 18 (2) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
- (⁸) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁹) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing shall be borne by the successful tenderer :
- should containers be used on a FCL/FCL or LCL/FCL basis, all costs of unloading and transportation from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to be borne by the recipient,
 - should containers be used on an LCL/LCL or FCL/LCL basis, all the costs of unloading and transportation from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned paragraph 5 (a) of Article 14, the LCL charges (destuffing of the goods). The local charges incurred after the stage of destuffing the goods from the containers are to be borne by the recipient.
- (¹⁰) The supplier is to detail the Manager, Supply Division, UNRWA, Vienna, by telex 135310 UNRWA A, the name of the carrying vessel, names and addresses of shipping agent and insurance agent at port of discharge.
- (¹¹) Certificates and documents required for each shipment :
- one original and two copies of insurance certificate,
 - one original and two copies of health certificate,
 - one original and two copies of inspection certificate regarding quality, quantity and packing,
 - one certificate of non-contamination by radioactivity.

COMMISSION REGULATION (EEC) No 2470/90

of 27 August 1990

concerning the stopping of fishing for cod by vessels flying the flag of Spain

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 amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for cod quotas for 1990;

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 cod in the waters of ICES division II b by vessels flying the flag of Spain or registered in Spain have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division II b by vessels flying the flag of Spain or registered in Spain are deemed to have exhausted the quota allocated to Spain for 1990.

Fishing for cod in the waters of ICES division II b by vessels flying the flag of Spain or registered in Spain 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 entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 27 August 1990.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2471/90
of 27 August 1990
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 2902/89⁽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 2350/90⁽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 Commission Regulation (EEC) No 2240/90⁽⁷⁾, as last amended by Regulation (EEC) No 2420/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has not yet been fixed; whereas the amount of the subsidy for the 1990/91 marketing year has been calculated provisionally

on the basis of the abatement for the 1989/90 marketing year;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2240/90 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

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.

4. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for colza, rape and sunflower will be confirmed or replaced as from 28 August 1990 to take into account the application of the system of maximum guaranteed quantities for this marketing year.

Article 2

This Regulation shall enter into force on 28 August 1990.

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

Done at Brussels, 27 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 215, 10. 8. 1990, p. 8.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1988, p. 11.

⁽⁷⁾ OJ No L 203, 1. 8. 1990, p. 28.

⁽⁸⁾ OJ No L 227, 21. 8. 1990, p. 20.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)	5th period 1 (1)
1. Gross aids (ECU):						
— Spain	1,750	1,750	1,750	1,750	1,750	23,647
— Portugal	0,000	0,000	0,000	0,000	0,000	26,557
— Other Member States	25,697	25,528	25,380	25,077	25,352	25,157
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	60,16	59,76	59,42	58,71	59,35	59,04
— Netherlands (Fl)	67,78	67,34	66,95	66,15	66,88	66,53
— BLEU (Bfrs/Lfrs)	1 240,83	1 232,67	1 225,52	1 210,89	1 224,17	1 215,39
— France (FF)	201,77	200,44	199,28	196,90	199,06	197,53
— Denmark (Dkr)	229,48	227,97	226,65	223,94	226,40	224,65
— Ireland (£ Irl)	22,457	22,309	22,180	21,915	22,155	21,985
— United Kingdom (£)	19,941	19,808	19,667	19,392	19,607	19,352
— Italy (Lit)	45 013	44 717	44 457	43 927	44 408	44 043
— Greece (Dr)	5 417,94	5 378,89	5 318,17	5 220,21	5 280,56	5 142,51
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	267,57	267,57	267,57	267,57	267,57	3 699,64
— in another Member State (Pta)	3 801,72	3 777,30	3 751,94	3 703,50	3 745,29	3 699,64
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	5 466,31
— in another Member State (Esc)	5 613,83	5 578,97	5 548,44	5 482,71	5 539,59	5 466,31

(1) Subject to the abatement resulting from the system of maximum guaranteed quantities for the 1990/91 marketing year.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)	5th period 1 (1)
1. Gross aids (ECU):						
— Spain	4,250	4,250	4,250	4,250	4,250	26,147
— Portugal	2,500	2,500	2,500	2,500	2,500	29,057
— Other Member States	28,197	28,028	27,880	27,577	27,852	27,657
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	66,01	65,62	65,27	64,56	65,21	64,89
— Netherlands (Fl)	74,38	73,93	73,54	72,74	73,47	73,13
— BLEU (Bfrs/Lfrs)	1 361,55	1 353,39	1 346,24	1 331,61	1 344,89	1 336,11
— France (FF)	221,40	220,07	218,91	216,53	218,69	217,16
— Denmark (Dkr)	251,80	250,29	248,97	246,26	248,72	246,98
— Ireland (£ Irl)	24,641	24,494	24,364	24,100	24,340	24,169
— United Kingdom (£)	21,890	21,757	21,616	21,341	21,556	21,300
— Italy (Lit)	49 392	49 096	48 837	48 306	48 788	48 422
— Greece (Dr)	5 961,30	5 922,25	5 861,53	5 763,57	5 823,92	5 685,87
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	649,81	649,81	649,81	649,81	649,81	4 081,88
— in another Member State (Pta)	4 183,96	4 159,54	4 134,18	4 085,74	4 127,53	4 081,88
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	517,26	517,26	517,26	517,26	517,26	5 983,57
— in another Member State (Esc)	6 131,08	6 096,22	6 065,69	5 999,96	6 056,85	5 983,57

(1) Subject to the abatement resulting from the system of maximum guaranteed quantities for the 1990/91 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 8 (°)	1st period 9 (°)	2nd period 10 (°)	3rd period 11 (°)	4th period 12 (°)
1. Gross aids (ECU):					
— Spain	8,600	8,600	8,600	8,600	8,600
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	34,564	34,981	33,604	33,705	34,036
2. Final aids:					
(a) Seed harvested and processed in (°):					
— Federal Republic of Germany (DM)	80,92	81,90	78,67	78,91	79,68
— Netherlands (Fl)	91,17	92,27	88,64	88,91	89,78
— BLEU (Bfrs/Lfrs)	1 668,99	1 689,13	1 622,63	1 627,51	1 643,49
— France (FF)	271,39	274,66	263,85	264,65	267,24
— Denmark (Dkr)	308,66	312,38	300,09	300,99	303,94
— Ireland (£ Irl)	30,205	30,570	29,367	29,455	29,744
— United Kingdom (£)	26,848	27,176	26,065	26,105	26,364
— Italy (Lit)	60 545	61 275	58 863	59 040	59 620
— Greece (Dr)	7 334,16	7 430,52	7 082,76	7 076,33	7 149,03
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 314,91	1 314,91	1 314,91	1 314,91	1 314,91
— in another Member State (Pta)	4 643,44	4 703,70	4 500,14	4 509,83	4 560,11
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	8 080,54	8 168,48	7 878,08	7 895,90	7 965,90
— in another Member State (Esc)	7 903,93	7 989,95	7 705,89	7 723,32	7 791,79
3. Compensatory aids:					
— in Spain (Pta)	4 619,68	4 679,95	4 475,57	4 485,26	4 535,54
4. Special aid:					
— in Portugal (Esc)	7 903,93	7 989,95	7 705,89	7 723,32	7 791,79

(°) Subject to the abatement resulting from the system of maximum guaranteed quantities for the 1990/91 marketing year.

(°) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0223450.

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 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
DM	2,067210	2,063700	2,060200	2,056900	2,056900	2,047680
Fl	2,329070	2,325300	2,321300	2,317400	2,317400	2,305990
Bfrs/Lfrs	42,533100	42,495100	42,454899	42,408100	42,408100	42,278800
FF	6,942500	6,940380	6,937920	6,936550	6,936550	6,930830
Dkr	7,915270	7,916690	7,916050	7,915750	7,915750	7,908460
£Irl	0,770660	0,770630	0,770893	0,770903	0,770903	0,772442
£	0,693392	0,696110	0,698592	0,700917	0,700917	0,707398
Lit	1 524,16	1 525,12	1 526,80	1 528,32	1 528,32	1 533,33
Dr	203,62200	204,57100	206,62800	208,31400	208,31400	214,44200
Esc	182,67200	182,73900	183,08700	183,81700	183,81700	186,01900
Pta	127,24000	127,71300	128,13600	128,54500	128,54500	129,71300

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 August 1990

concerning the provision in Spain of international express courier services

(Only the Spanish text is authentic)

(90/456/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 90 (1) and (3) thereof,

Having provided the Spanish authorities with the opportunity to make known their views on the objections raised by the Commission in regard to Articles 10 to 13 of the Ordenanza Postal of 19 May 1960 and Articles 19 to 22 of the Regulation on postal services (Reglamento de los Servicios de Correos) of 14 May 1964 which regulate the postal monopoly in Spain,

collecting, transporting or distributing letters (*) — a letter being any written document of a personal and immediate nature, including commercial, legal or administrative documents — from one place to another weighing less than two kilograms, as well as post-cards.

The prohibition prevents private courier services from providing an international express courier service for written or other documents defined or regarded as letters as this service is exclusively reserved for the Post Office.

The service covered by the Decision

WHEREAS:

I. THE FACTS

The measure in question

- (1) Pursuant to Articles 10 to 13 of the Ordenanza Postal adopted by Decree No 1113/1960 of 19 May 1960 ⁽¹⁾ and Articles 19 to 22 of the Regulation on postal services adopted by Decree No 1653/1964 of 14 May 1964 ⁽²⁾, as amended by the Ministerial Decree of 12 July 1966 ⁽³⁾, Spain prohibits all undertakings other than the Post Office from

- (2) The basic postal service and express postal services comprise two different markets. As they are markets for services and not products, it is not possible to distinguish between them solely on the basis of the type of object transported. The essential difference lies in the value added by the providers to the transport of the goods concerned.

The basic postal service consists in collecting mail from post boxes and post offices throughout the country which is sorted centrally and then delivered at regular times to the addressees. The express mail service can be regarded as forming part of the basic postal service. In Spain, express mail is governed by Article 335 of the Regulation

⁽¹⁾ BOE, 15. 6. 1960.

⁽²⁾ BOE, 9. 6. 1964.

⁽³⁾ BOE, 23. 7. 1966.

^(*) Article 158 of the Regulation on postal services fixes the maximum weight of letters at two kilograms, and Article 164 of the same Regulation, annexed to this Decision, defines what constitutes a letter.

on postal services, which defines it as a method of delivering mail by means of the fastest ordinary channels and special deliveries; it is a standardized service subject to a fixed charge.

In addition to providing a faster delivery service compared with the basic service, express courier services also provide some or all of the following services, depending on their individual sales policy:

- guarantee of mail delivery by a specified date,
- home collections of mail,
- delivery to the addressee in person,
- possibility of changing destination or address in transit,
- acknowledgement of receipt given to sender,
- monitoring of deliveries,
- individual attention given to customers and 'à la carte' service offered.

The fact that the Spanish authorities argue that the express courier service is not different from the basic postal service is not relevant here. Even if the Spanish Post Office can provide both types of service, the express courier service nevertheless calls for additional activities to those provided as part of the basic service. The fact that one undertaking provides several services does not mean that only one market is concerned.

- (3) The markets for the basic postal service and for express deliveries also differ as regards the needs they satisfy. The services are not interchangeable. The express courier service meets the needs of business customers who must have a guarantee that their packages will be delivered within a given time. On the other hand, the basic service meets the needs of the general public where the price of the service is at least as important as the speed. The additional services provided by the express courier service are reflected in the higher price. In Spain, the highest charge for the basic service, i.e. delivery of a letter not exceeding two kilograms anywhere in the world — is Pta 1 260. The price for an identical letter (two kilograms) sent through the Post Office's express delivery system, the EMS — Postal Express International, which forms part of the Express Mail Service International Post Corporation network (EMS-IPC), is Pta 3 160 for European countries and Pta 6 164 for the rest of the world. It should be noted that in the Community, approximately 95 % of consignments are delivered by the Post Offices compared with 5 % by express delivery companies. The turnover of the Post Office which has a monopoly over the basic service is nonetheless only 3,5 times that of the express delivery companies. The former is a mass service with low added value, whereas the latter has a high

added value. The two services do not in practice compete against each other.

Background

- (4) Following a complaint lodged on 23 June 1987 by an association of Spanish courier companies, supplemented by letter dated 27 April 1988, the Commission informed the Spanish authorities by telex messages dated 14 March and 25 August 1988 of the content of the complaint and the supplementary letter. On receiving the Spanish reply on 21 September 1988, the Commission informed the Spanish authorities by telex messages dated 25 November 1988 and 16 January 1989 that extending the Spanish postal monopoly to include international express courier services could constitute a State measure likely to infringe Article 90 (1) of the EEC Treaty in conjunction with Article 86, in which case the Commission might take a decision in accordance with Article 90 (3).

The Spanish authorities finally communicated their position by letter dated 17 January 1989. At the Commission's request, the position was supplemented by letters dated 15 June and 9 October 1989. The arguments put forward by the said authorities are as follows:

1. the Post Office is not an undertaking and, even if it were, Article 90 (2) of the EEC Treaty would be applicable;
2. the financial equilibrium of the Post Office would be threatened if free competition were allowed in the provision of the most profitable postal services such as the international express service;
3. there is no specific postal market for express deliveries. (This argument, already examined above in points 2 and 3, cannot be accepted by the Commission).

II. LEGAL ASSESSMENT

The undertaking concerned

- (5) The Post Office is a body which does not have an independent legal personality but forms part of the general administration of the Spanish State, through the Postal Administration. The Post Office, in cooperation with other postal administrations, has provided a special express delivery service since 1981. In 1987, the Post Office concluded an agreement with the postal administrations of the major European countries and other principal countries of the Universal Postal Union with a view to provi-

ding, under the name of EMS-Postal Express International, an international express delivery service within the framework of the EMS-IPC network. The service is currently provided only in provincial capitals and certain other large towns in Spain.

In addition, the EMS-IPC network is limited to the major countries of Europe, and a few other countries such as Canada and the USA.

The EMS-Postal Express International service is aimed at the same customers as the private express courier services. The Post Office is presenting it as a new, high quality, dynamic, safe and fast service governed by special rules which differ from those specified in the statutes of the UPU. Furthermore, the Post Office is continuing to provide the traditional express service subject to the payment of certain fixed postal charges.

- (6) Inasmuch as the Post Office is providing services on the market it is an undertaking within the meaning of Article 90 (1) of the EEC Treaty. The provisions of the Spanish legislation, referred to in point 1 of this Decision, which give the Post Office the exclusive right to collect, transport and distribute letters from one place to another, constitute measures pursuant to Article 90 (1).

Article 90 in conjunction with Article 86

- (7) Under Article 90 (1) of the Treaty, undertakings to which a Member State has granted exclusive rights within the meaning of that Article are still subject to the rules of competition contained in Article 86 of the Treaty. Those entrusted with the operation of services of general economic interest are also subject to the provisions of Article 86, unless they show that, under Article 90 (2), the application of such rules obstructs the performance, in law or in fact, of the particular tasks assigned to them.

Article 90 (1) prohibits State measures concerning undertakings which benefit from special or exclusive rights, insofar as these conflict with the Treaty rules; in particular Articles 7 and 85 to 94 inclusive.

Determination of the relevant market

- (8) The market concerned by the State measure in question is the market for international express

delivery of letters. It constitutes a value added market adjacent to, but separate from, the basic postal service.

The geographic market concerned — in which the objective conditions for competition are homogeneous — is the territory of the Spanish State. This territory satisfies the 'substantial part' criterion of Article 86, taking account of the relative importance of the Spanish market in the Community.

Existence of a dominant position

- (9) Because it has been granted the exclusive right to collect, transport and distribute letters and postcards from one place to another, to install post boxes and issue postage stamps, within the territory of Spain, the Post Office holds a dominant position as regards the basic postal service.

As a result of the exclusive rights, which mean that there can be no competition on this market, the Post Office is able to operate independently of both its competitors, as they are excluded from the market, and consumers, who cannot obtain the basic service elsewhere.

Abuse of a dominant position

- (10) An abuse of a dominant position within the meaning of Article 86 is committed where an undertaking holding a dominant position on a particular market reserves to itself or to an undertaking belonging to the same group, without any objective necessity, an ancillary activity which might be carried out by another undertaking as part of its activities on a neighbouring but separate market, with the possibility of eliminating all competition from such an undertaking⁽¹⁾.

Articles 10 to 13 of the Ordenanza Postal of 19 May 1960 and Articles 19 to 22 of the Regulation on postal services of 14 May 1964 thus reserve for the Post Office, according to the interpretation of the Spanish authorities, not only the basic letter collection, transport and distribution service but also the new international express service for letters.

⁽¹⁾ Judgement of the Court of Justice of 3 October 1985 in Case 311/84, CBEM/CLT and IPB, (1985) ECR p. 3278, point 27.

- (11) The Spanish Post Office provides an international express courier service which is limited in that it does not cover the entire national territory nor all of the countries in the world. On the one hand, the service on Spanish territory is only provided from post offices situated in the capital city of each province and in certain other large towns. On the other, the international express courier network in which the Spanish Post Office participates — the EMS-IPC network — covers only the largest European countries and certain others (Canada and the United States). In this situation, the demand for door-to-door express courier services is not satisfied in respect of customers resident outside the provincial capitals and a few other large towns, nor as regards customers living in countries or cities not served by the EMS-IPC network. Due to the monopoly held by the Spanish Post Office, competitors are unable to offer a service to such customers.

In addition, users of international express courier services for sending letters to or from Spanish territory are denied the choice of services offered by other express delivery companies, which compete at international level with the Express Mail Services-International Post Corporation but are excluded from the Spanish market, although their services might be better suited to users' specific needs and requirements as regards prices and quality.

Consequently, the State measure in question, together with the behaviour of the Spanish Post Office, has the effect of limiting supply and technical development within the meaning of Article 86, thus constituting an infringement of Article 90 in conjunction with Article 86(b) of the Treaty.

Effect on trade between Member States

- (12) In order for a measure to be considered as adversely affecting trade between Member States, it is not necessary to establish its actual effect on the volume of such trade; it need only, pursuant to Articles 85 and 86 of the EEC Treaty, be liable to affect trade between Member States. It is quite clear that the State measure which reserves the international express delivery of letters weighing less than two kilograms for a single undertaking in Spain affects the express delivery service between Member States.

Article 90 (2)

- (13) Pursuant to Article 155 of the EEC Treaty it is the task of the Commission, subject to review by the Court of Justice, to determine, under Article 90 (2) of the Treaty, which of the services entrusted to the Post Office constitute services of general economic interest. Under that provision, the rules of the Treaty and in particular the competition rules apply to the Post Office unless their application obstructs the performance, in law or in fact, of the particular tasks assigned to it. It is for the Member State to prove that the application of the Treaty rules would have such an effect.

Spain considers that if free competition were allowed in the provision of an international express courier service, it would jeopardize the financial equilibrium of the Post Office which is essential for the operation of the tasks assigned to it. In 1988, however, the Post Office's international express service — 'EMS-IPC' — handled only 20 000 consignments, representing only 0,00039 % of the 5 075 million objects handled by the Post Office.

At present, the international express service in question forms part of the EMS-IPC network which is operated by a company governed by private law competing against private international express couriers such as DHL, TNT, UPS and Federal Express. Although the network is faced with some competition, its revenue grows annually by 35 %.

Consequently, there is no evidence that the competition in the international express courier market could harm the basic postal service or that it is necessary to eliminate competition in order to preserve the financial equilibrium of the Post Office. The need to extend the dominant position of the basic service to the international express deliveries market, which is of secondary importance to the Post Office, is not an objective necessity justifying the elimination of competition in this market.

In reality the Post Office already enjoys considerable advantages, inasmuch as it has the exclusive right to install post boxes and issue stamps. In addition, public transport undertakings are required to cooperate actively with the Post Office in the general interest and, as the Post Office employs the same staff and the same infrastructure for the different services, it achieves economies of scale which have an appreciable impact on its prices.

- (14) In view of these considerations, competition in the international express courier market is not an obstacle to performance of the public service obligations imposed on the Post Office by the Spanish Government. The basic postal service monopoly held by the Post Office, which is not affected by this Decision is at present sufficient to ensure that the public service obligations are fulfilled without affecting trade to an extent contrary to the interest of the Community,

express collection, transport and distribution of letters are incompatible with Article 90 (1) in conjunction with Article 86 of the EEC Treaty.

Article 2

Spain shall inform the Commission within two months from the date of notification of this Decision of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Kingdom of Spain.

HAS ADOPTED THIS DECISION :

Article 1

The provisions of Articles 10 to 13 of the Ordenanza Postal adopted by Decree No 1113/1960 of 19 May 1960 and Articles 19 to 22 of the Regulation on Spanish postal services adopted by Decree No 1653/1964 of 14 May 1964 which reserve for the Post Office the international

Done at Brussels, 1 August 1990.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

Article 164 of the postal services Regulation adopted by Decree No 1653/1964 of 14 May 1964 (BOE of 9 June 1964), as amended by the Ministerial Decree of 12 July 1966 (BOE of 23 July 1966).

1. A letter is any sealed consignment the content of which is not indicated and cannot be seen, and all writings of an immediate and personal nature, even if they are visible.
2. The following in particular are regarded as letters : business records, either fully or partially completed, estimates, passenger waybills, invoices, signed bills of exchange, transfer notices, receipts, detailed accounts and their supporting documents, other commercial documents, insurance documents ; acts, certificates and various files ; public or private acts or instruments and copies thereof ; criminal and civil papers, delayed letters or post-cards ; chess problems, betting and competition documents ; land register, vehicle register and census documents and other similar papers.
3. The following are not considered to be letters even if sealed : small parcels, parcel post consignments, post-cards even if of an immediate and personal nature.

Nor are consignments specifically given another classification by the Post Office regarded as letters, even if they satisfy the definition given in point 1 above.

COMMISSION DECISION

of 2 August 1990

amending Decision 90/17/EEC adopting the 1990 plan allocating to the Member States resources to be charged to the 1990 budget year for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community

(90/457/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community⁽¹⁾,

Having regard to Council Regulation (EEC) No 3744/87 of 14 December 1987 laying down the detailed rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community⁽²⁾, as last amended by Regulation (EEC) No 2736/89⁽³⁾, and in particular Article 4 paragraph 2 thereof,

Whereas in order to implement the scheme for the supply of such food to the most deprived section of the population, to be financed from resources available in the 1990 budget year, Commission Decision 90/17/EEC⁽⁴⁾ allocated resources to the Member States; whereas for one Member State the allocation exceeds the amount the relevant authorities now consider to be necessary but in certain other Member States the allocation falls short of needs;

Whereas in order to optimize the impact of the scheme the Commission considers it necessary to amend the Decision taken for the allocation of resources to be charged to the 1990 budget,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 90/17/EEC is hereby amended as follows:

⁽¹⁾ OJ No L 352, 15. 12. 1987, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1987, p. 33.

⁽³⁾ OJ No L 263, 9. 9. 1989, p. 19.

⁽⁴⁾ OJ No L 10, 12. 1. 1990, p. 53.

(a) Article 2 is replaced by the following:

'Article 2

Subject to a limit of ECU 0, the following quantities of produce may be withdrawn from intervention for distribution in Germany:

— 0 tonnes of butter.'

(b) Article 3 is replaced by the following:

'Article 3

Subject to a limit of ECU 25 269 000, the following quantities of produce may be withdrawn from intervention for distribution in Italy:

— 9 000 tonnes of durum wheat,

— 6 900 tonnes of soft wheat,

— 1 000 tonnes of butter,

— 6 660 tonnes of beef,

— 1 000 tonnes of olive oil.'

(c) Article 4 is replaced by the following:

'Article 4

Subject to a limit of ECU 35 654 000, the following quantities of produce may be withdrawn from intervention for distribution in Spain:

— 20 350 tonnes of soft wheat,

— 4 600 tonnes of durum wheat,

— 3 475 tonnes of butter,

— 3 450 tonnes of beef,

— 4 900 tonnes of olive oil.'

(d) Article 5 is replaced by the following:

'Article 5

Subject to a limit of ECU 12 975 500, the following quantities of produce may be withdrawn from intervention for distribution in Greece:

— 3 200 tonnes of beef.'

(e) Article 6 is replaced by the following:

'Article 6

Subject to a limit of ECU 4 316 000, the following quantities of produce may be withdrawn from intervention for distribution in Ireland:

— 50 tonnes of butter,

— 1 600 tonnes of beef.'

(f) Article 9 is replaced by the following:

Article 9

Subject to a limit of ECU 9 573 500, the following quantities of produce may be withdrawn from intervention for distribution in Portugal:

- 1 040 tonnes of soft wheat,
- 760 tonnes of durum wheat,
- 525 tonnes of butter,
- 1 775 tonnes of beef,
- 725 tonnes of olive oil.

(g) Article 11 is replaced by the following:

Article 11

1. Subject to a limit of ECU 2 498 000, the following quantities of produce may be withdrawn from intervention for distribution in Belgium:

- 2 500 tonnes of soft wheat,
- 750 tonnes of beef.

2. The quantities and the resources already allocated for 1990 to Belgium by Commission Decision 89/521/EEC⁽¹⁾ are included in this Article.

⁽¹⁾ OJ No L 270, 19. 9. 1989, p. 15.

(h) Article 12 is replaced by the following:

Article 12

1. Subject to a limit of ECU 28 729 000, the following quantities of produce may be withdrawn from intervention for distribution in France:

- 4 715 tonnes of soft wheat,
- 8 900 tonnes of durum wheat,
- 3 000 tonnes of butter,
- 4 350 tonnes of beef.

2. The quantities and the resources already allocated for 1990 to France by Commission Decision 89/562/EEC⁽²⁾ are included in this Article.

⁽²⁾ OJ No L 305, 21. 10. 1989, p. 34.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 7 August 1990

fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued under Regulation (EEC) No 1983/90

(90/458/EEC)

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⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 2659/80 of 17 October 1980 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat products⁽²⁾, as amended by Regulation (EEC) No 3496/88⁽³⁾, and in particular Article 11 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 287/90 of 1 February 1990 setting out some detailed rules for private storage aid for lamb in the period 1 January to 30 April 1990⁽⁴⁾ as last amended by Regulation (EEC) No 1787/90⁽⁵⁾, supplements the provisions of Regulation (EEC) No 2659/80 and lays down in particular detailed rules governing invitations to tender;

Whereas Commission Regulation (EEC) No 1983/90⁽⁶⁾ opens invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas, in accordance with Article 11 (1) (f) of Regulation (EEC) No 2659/80, a maximum amount of aid for private storage should be fixed on the basis of tenders received or no action must be taken in respect of the invitation to tender;

Whereas the tenders received lead to action being taken in respect of the invitation to tender;

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

HAS ADOPTED THIS DECISION:

Article 1

The aid referred to in Article 11 (1) (f) of Regulation (EEC) No 2659/80 for the invitations to tender opened by Regulation (EEC) No 1983/90 shall be as follows:

ECU 1 400 per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 276, 20. 10. 1980, p. 12.

⁽³⁾ OJ No L 306, 11. 11. 1988, p. 28.

⁽⁴⁾ OJ No L 31, 2. 2. 1990, p. 11.

⁽⁵⁾ OJ No L 163, 29. 6. 1990, p. 55.

⁽⁶⁾ OJ No L 179, 12. 7. 1990, p. 20.