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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2704/90

of 21 September 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 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 20 September 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 22 September 1990.

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

Done at Brussels, 21 September 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 21 September 1990 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	39,96	151,10 ⁽¹⁾ ⁽²⁾
0712 90 19	39,96	151,10 ⁽²⁾ ⁽³⁾
1001 10 10	20,60	190,88 ⁽¹⁾ ⁽³⁾
1001 10 90	20,60	190,88 ⁽¹⁾ ⁽³⁾
1001 90 91	26,85	160,00
1001 90 99	26,85	160,00
1002 00 00	51,60	145,86 ⁽⁴⁾
1003 00 10	42,97	145,28
1003 00 90	42,97	145,28
1004 00 10	34,61	131,93
1004 00 90	34,61	131,93
1005 10 90	39,96	151,10 ⁽²⁾ ⁽³⁾
1005 90 00	39,96	151,10 ⁽²⁾ ⁽³⁾
1007 00 90	56,65	156,30 ⁽⁴⁾
1008 10 00	42,97	55,95
1008 20 00	42,97	105,30 ⁽⁴⁾
1008 30 00	42,97	45,33 ⁽⁵⁾
1008 90 10	(?)	(?)
1008 90 90	42,97	45,33
1101 00 00	50,93	237,34
1102 10 00	85,58	217,21
1103 11 10	45,06	309,00
1103 11 90	54,64	255,96

⁽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 2705/90

of 21 September 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 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 20 September 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 22 September 1990.

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

Done at Brussels, 21 September 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. 11.

ANNEX

to the Commission Regulation of 21 September 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 9	1st period 10	2nd period 11	3rd period 12
0709 90 60	0	0,00	0,00	1,41
0712 90 19	0	0,00	0,00	1,41
1001 10 10	0	0,00	0,00	0,00
1001 10 90	0	0,00	0,00	0,00
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	3,29
1003 00 90	0	0	0	3,29
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	1,41
1005 90 00	0	0	0	1,41
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,29	3,29	3,29
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	(ECU/tonne)				
	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	5,86	5,86
1107 10 99	0	0	0	4,38	4,38
1107 20 00	0	0	0	5,10	5,10

COMMISSION REGULATION (EEC) No 2706/90
of 21 September 1990
fixing the import levies on rice and broken rice

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

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

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

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2512/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 2650/90 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 September 1990.

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 237, 1. 9. 1990, p. 11.

⁽⁶⁾ OJ No L 252, 15. 9. 1990, p. 11.

ANNEX

to the Commission Regulation of 21 September 1990 fixing the import levies on rice and broken rice

(ECU/tonne)				
CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾) (⁽³⁾)	Third countries (except ACP or OCT) (⁽³⁾)
1006 10 21	—	—	150,94	309,09
1006 10 23	—	235,07	153,11	313,43
1006 10 25	—	235,07	153,11	313,43
1006 10 27	—	235,07	153,11	313,43
1006 10 92	—	—	150,94	309,09
1006 10 94	—	235,07	153,11	313,43
1006 10 96	—	235,07	153,11	313,43
1006 10 98	—	235,07	153,11	313,43
1006 20 11	—	—	189,58	386,36
1006 20 13	—	293,84	192,29	391,79
1006 20 15	—	293,84	192,29	391,79
1006 20 17	—	293,84	192,29	391,79
1006 20 92	—	—	189,58	386,36
1006 20 94	—	293,84	192,29	391,79
1006 20 96	—	293,84	192,29	391,79
1006 20 98	—	293,84	192,29	391,79
1006 30 21	13,05	—	235,13	494,12
1006 30 23	12,97	445,49	285,11	593,99
1006 30 25	12,97	445,49	285,11	593,99
1006 30 27	12,97	445,49	285,11	593,99
1006 30 42	13,05	—	235,13	494,12
1006 30 44	12,97	445,49	285,11	593,99
1006 30 46	12,97	445,49	285,11	593,99
1006 30 48	12,97	445,49	285,11	593,99
1006 30 61	13,90	—	250,77	526,24
1006 30 63	13,90	477,57	306,03	636,76
1006 30 65	13,90	477,57	306,03	636,76
1006 30 67	13,90	477,57	306,03	636,76
1006 30 92	13,90	—	250,77	526,24
1006 30 94	13,90	477,57	306,03	636,76
1006 30 96	13,90	477,57	306,03	636,76
1006 30 98	13,90	477,57	306,03	636,76
1006 40 00	0,51	—	92,13	190,27

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

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

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

COMMISSION REGULATION (EEC) No 2707/90

of 21 September 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2513/90 ⁽³⁾, as last amended by Regulation (EEC) No 2651/90 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which

are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 September 1990.

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽³⁾ OJ No L 237, 1. 9. 1990, p. 14.⁽⁴⁾ OJ No L 252, 15. 9. 1990, p. 13.

ANNEX

to the Commission Regulation of 21 September 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 9	1st period 10	2nd period 11	3rd period 12
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 2708/90
of 19 September 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 10 000 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, 19 September 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

LOT A

1. **Operation No** (1): 801/90
2. **Programme**: 1990
3. **Recipient**: Madagascar (Régie malgache des monopoles fiscaux (RMMF), 21, avenue de l'Indépendance, B.P. 23, Antananarivo 101
4. **Representative of the recipient** (2): Ambassade de la république démocratique de Madagascar, avenue de Tervuren 276, B-1150 tel. 770 17 26 Brussels; telex 61197 TELMAD B
5. **Place or country of destination**: Madagascar
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3): see OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1); specific characteristics: moisture content: 13,5 % maximum
8. **Total quantity**: 10 000 tonnes
9. **Number of lots**: one
10. **Packaging**: in bulk, plus
 - 210 000 new woven-polypropylene bags for food use, weighing not less than 120 grams, which have been specially treated against the effects of ultraviolet light, 125 needles and sufficient twine
 - marking on the bags, in letters at least 5 cm high:
'ACTION N° 801/90 / FROMENT TENDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À MADAGASCAR'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: Toamasina
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 where the supply is awarded at the port of shipment stage**: 1 — 15. 11. 1990
18. **Deadline for the supply**: 15. 12. 1990
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 9. 10. 1990 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 16. 10. 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: 5 — 20. 11. 1990
 - (c) deadline for the supply: 24. 12. 1990
22. **Amount of the tendering security**: 5 ECU per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels; telex: AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 24. 9. 1990 fixed by Regulation (EEC) No 2518/90 (OJ No L 237, 1. 9. 1990, p. 35)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
M.D.W. Schmidt, Immeuble Ny Havana — 67 hectares B.P. 746, Antananarivo Tél. (261-2) 24216/27527 ;
dx 22327 DELFED-MG, Fax (261-2) 32169
- (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,
235 0132,
236 10 97,
235 01 30,
236 20 05.
- (⁵) 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, 25. 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.
-

COMMISSION REGULATION (EEC) No 2709/90
of 20 September 1990
on the supply of various lots of skimmed-milk powder 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 Licross 200 tonnes of skimmed-milk powder;

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

Milk products 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 Annexes. 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, 20 September 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

LOT A

1. **Operation No :** 713/90 (1) — Commission Decision of 19. 4. 1989
2. **Programme :** 1989
3. **Recipient (2) :** League of Red Cross and Red Crescent Societies, Logistic Service, PO Box 372-CH-1211 Genève 19 (telex : 22555 LRC CH ; tel : 734 55 80, fax 733 0395).
4. **Representative of the recipient (3) :** Cruz Roja Paraguaya, Brazil 216 esq. José Beges, Asunción, Paraguay. Tel : 22797/205496/208199 ; Telex : 5320 PYOSRCR
5. **Place or country of destination :** Paraguay
6. **Product to be mobilized :** vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods (2) (4) :** see OJ No C 216, 14. 8. 1987, p. 4 (I.1.B.1 to I.1.B.3)
8. **Total quantity :** 50 tonnes
9. **Number of lots :** one
10. **Packaging and marking :** 25 kg and in containers of 20 feet
OJ No C 216, 14. 8. 1987, p. 4 and 5 (I.1.B.4 and I.1.B.4.2)
Supplementary markings on packaging :
'ACCIÓN N° 713/90 / a red cross / LECHE EN POLVO DESCREMADA VITAMINADA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / ACCIÓN DE LA LIGA DE LAS SOCIEDADES DE LA CRUZ ROJA Y DE LA MEDIA LUNA ROJA (LICROSS) / DISTRIBUCIÓN GRATUITA / ASUNCIÓN'
and see OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization :** Community market (1)
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply :** free at destination — Asunción
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 :** Calle Andrés Barbero 33, Asunción, Paraguay
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** 15 — 20. 10. 1990
18. **Deadline for the supply :** 15. 12. 1990
19. **Procedure for determining the costs of supply :** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders (4) :** 12 noon on 8. 10. 1990
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 15 October 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 22 — 27. 10. 1990
 - (c) deadline for the supply : 15. 12. 1990
22. **Amount of the tendering security :** ECU 20 per tonne
23. **Amount of the delivery security :** 10 % of the tender in ecus
24. **Address for submission of tenders :** 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 Brussels ; telex : AGREC 22037 B or 25670 B
25. **Refund payable on application by the successful tenderer (5) :** refund applicable on 17. 8. 1990, fixed by Commission Regulation (EEC) No 2395/90 (OJ No L 222, 17. 8. 1990, p. 12)

LOT B

1. **Operation No :** 718/90 (1) — Commission Decision of 19. 4. 1989
2. **Programme :** 1989
3. **Recipient (?) :** League of Red Cross and Red Crescent Societies, Logistic Service, PO Box 372-CH-1211 Genève 19 (telex : 22555 LRCS CH ; tel : 734 55 80, fax 733 0395)
4. **Representative of the recipient (?) :** Croix-Rouge Rwandaise, BP 425, Kigali ; tel : 3304/4402/5088, telex : 22663 CRR RW
5. **Place or country of destination :** Rwanda
6. **Product to be mobilized :** vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods (?) :** see OJ No C 216, 14. 8. 1987, p. 4 (I.1.B.1 to I.1.B.3)
8. **Total quantity :** 50 tonnes
9. **Number of lots :** one
10. **Packaging and marking :** 25 kg and in containers of 20 feet
OJ No C 216, 14. 8. 1987, p. 4 and 5 (I.1.B.4 and I.1.B.4.2)
Supplementary markings on packaging :
'ACTION N° 718/90 / a red cross / LAIT ÉCRÉMÉ EN POUDRE VITAMINÉ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / NYAMIRAMBO / RWANDA'
and see OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization :** Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply :** free at destination — Nyamirambo
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 :** Entrepôts de la Croix-Rouge, Nyamirambo, Rwanda
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** 15 — 20. 10. 1990
18. **Deadline for the supply :** 21. 12. 1990
19. **Procedure for determining the costs of supply :** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders (?) :** 12 noon on 8. 10. 1990
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 15. 10. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 22 — 27. 10. 1990
 - (c) deadline for the supply : 21. 12. 1990
22. **Amount of the tendering security :** ECU 20 per tonne
23. **Amount of the delivery security :** 10 % of the tender in ecus
24. **Address for submission of tenders :** 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 Brussels ; telex AGREC 22037 B or 25670 B
25. **Refund payable on application by the successful tenderer (?) :** refund applicable on 17. 8. 1990, fixed by Commission Regulation (EEC) No 2395/90 (OJ No L 222 of 17. 8. 1990, p. 12)

LOT C

1. **Operation No :** 720/90 (1) — Commission Decision of 19. 4. 1989
2. **Programme :** 1989
3. **Recipient (2) :** League of Red Cross and Red Crescent Societies, Logistic Service, PO Box 372-CH-1211 Genève 19 (telex : 22555 LRCS CH ; tel : 734 55 80, fax : 733 0395)
4. **Representative of the recipient (2) :** Croix Rouge Burkinabé, BP 340, Ouagadougou ; tel : 30 08 77, telex : LSCR 5438 BF Ouagadougou
5. **Place or country of destination :** Burkina Faso
6. **Product to be mobilized :** vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods (2) (3) :** see OJ No C 216, 14. 8. 1987, p. 4 (I.1.B.1 to I.1.B.3).
8. **Total quantity :** 100 tonnes
9. **Number of lots :** one
10. **Packaging and marking :** 25 kg
OJ No C 216, 14. 8. 1987, p. 4 and 5 (I.1.B.4 and I.1.B.4.2)
Supplementary markings on packaging :
'ACTION N° 720/90 / a red cross / LAIT ÉCRÉMÉ EN POUDRE VITAMINÉ / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX ROUGE ET DU CROISSANT ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / OUAGADOUGOU'
and see OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization :** Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply :** free at destination — Ouagadougou
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 :** Entrepôt de la Croix-Rouge, Zone du Bois Secto 13, Ouagadougou
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** 15 — 20. 10. 1990
18. **Deadline for the supply :** 21. 12. 1990
19. **Procedure for determining the costs of supply :** invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders (4) :** 12 noon on 8. 10. 1990
21. **In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 15. 10. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 22 — 27. 10. 1990
 - (c) deadline for the supply : 21. 12. 1990
22. **Amount of the tendering security :** ECU 20 per tonne
23. **Amount of the delivery security :** 10 % of the tender in ecus
24. **Address for submission of tenders :** 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 Brussels (telex : AGREC 22037 B or 25670 B)
25. **Refund payable on application by the successful tenderer (5) :** refund applicable on 17. 8. 1990, fixed by Commission Regulation (EEC) No 2395/90 (OJ No L 222, 17. 8. 1990, p. 12).

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) 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.
 - (³) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (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 Annex, evidence that the tendering security referred to in Article 7 (4) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - by porter at the office referred to in point 24 of the 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) 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, 25. 7. 1989, p. 10), is applicable as regards to export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
 - (⁶) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
 - (⁷) The successful tenderer is to contact the recipient as soon as possible to establish what consignment documents are required and how they are to be distributed.
 - (⁸) All the documents must be legalized by the diplomatic representative at the country of origin of the product.
-

COMMISSION REGULATION (EEC) No 2710/90
of 20 September 1990
on the supply of refined rape seed oil 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 75 tonnes of refined rape seed oil;

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

Refined rape seed oil shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. 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, 20 September 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 I

1. **Operation No** (1): 717/90
2. **Programme**: 1989
3. **Recipient**: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Genève 19; tel. 734 55 80, telex 22555 LRCS CH, telefax 733 03 95
4. **Representative of the recipient** (2): Croix-Rouge Rwandaise, BP 425, Kigali; tel. 3302, 4402, 5088; telex 22663 CRR RW
5. **Place or country of destination**: Rwanda
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3) (7): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 25 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (9): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B and I.3.3.1):
 - metal cans of five litres, with four cans per carton
 - placed in 20-foot containers
 - the cans and the cartons must carry the following wording:
'ACTION N° 717/90 / a red cross / HUILE VÉGÉTALE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / NYAMIRAMBO / RWANDA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
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**: entrepôts Croix-Rouge Nyamirambo
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 2 — 20. 11. 1990
18. **Deadline for the supply**: 20. 1. 1991
19. **Procedure for determining the costs of supply** (9): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 9. 10. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 23. 10. 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: 16. 11. — 4. 12. 1990
 - (c) deadline for the supply: 4. 2. 1991
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** (9):

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 22037 AGREC B or 25670 B
25. **Refund payable on request by the successful tenderer**: —

ANNEX II

1. Operation No (1): 719/90
2. Programme : 1989
3. Recipient : Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Genève 19; tel. 734 55 80, telex 22555 LRCS CH, telefax 733 03 95
4. Representative of the recipient (2): Croix-Rouge Burkinabé, BP 340, Ouagadougou; tel. 30 08 77; telex LSCR 5438 BF Ouagadougou
5. Place or country of destination : Burkina Faso
6. Product to be mobilized : refined rape seed oil
7. Characteristics and quality of the goods (3) (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. Total quantity : 50 tonnes net
9. Number of lots : one
10. Packaging and marking (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B and I.3.3.1):
 - metal cans of five litres, with four cans per carton — to be delivered on standard pallets wrapped in shrinked plastic / under plastic cover
 - the cans and the cartons must carry the following wording :
'ACTION N° 719/90 / a red cross / HUILE VÉGÉTALE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / OUGADOUGOU'
11. Method of mobilization : the Community market
12. Stage of supply : free at destination
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 : entrepôts Croix-Rouge Ouagadougou, Zone du Bois Secteur 13, Ouagadougou.
17. Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 2 — 20. 11. 1990
18. Deadline for the supply : 20. 1. 1991
19. Procedure for determining the costs of supply (6): tendering
20. Date of expiry of the period allowed for submission of tenders : 9. 10. 1990, at 12 noon
21. In the case of a second invitation to tender :
 - (a) deadline for the submission of tenders : 23. 10. 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 : 16. 11. — 4. 12. 1990
 - (c) deadline for the supply : 4. 2. 1991
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 (7):

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 22037 AGREC B or 25670 B
25. Refund payable on request by the successful tenderer : —

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 products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

- phytosanitary certificate,
- certificate of origin.

- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of these 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 these Annexes,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05
 - (⁶) As regards packaging and storage, the provisions on butteroil in point I.3.3 of the Commission notice in OJ No C 216, 14. 8. 1987, p. 7 shall apply. However hermetic sealing in an atmosphere of nitrogen shall not be required.
 - (⁷) The successful tenderer is to contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
-

COMMISSION REGULATION (EEC) No 2711/90

of 20 September 1990

definitively fixing the rate of the aid for dried fodder provisionally fixed between
1 December 1989 and 31 May 1990

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 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 2275/89⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, in the absence of the guide price for dried fodder and of the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1990/91 marketing year and the intervention price for barley for the same marketing year, the rates of the aid for dried fodder applicable between 1 December 1989 and 31 May 1990 for May to December 1990 were fixed on the basis either of those for the 1989/90 marketing year or of those proposed by the Commission to the Council for the 1990/91 marketing year;

Whereas Council Regulation (EEC) No 1192/90 of 7 May 1990 fixing the guide price for dried fodder for the 1990/91 marketing year⁽³⁾ fixes the guide price and the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 at the same level as the provisionally fixed rate of aid, except in the case of the guide price for Spain;

Whereas Council Regulation (EEC) No 1341/90⁽⁴⁾ and (EEC) No 1344/90⁽⁵⁾ fix, respectively, the prices appli-

cable to cereals and the monthly price increases for cereals for the 1990/91 marketing year;

Whereas Commission Regulation (EEC) No 784/90 of 29 March 1990⁽⁶⁾ amended the prices and amounts fixed in ecus for the 1990/91 marketing year as a result of the monetary realignment of 5 January 1990;

Whereas the amendments to the rates of the aid in question are applicable from the date of entry into force of the Regulations fixing those rates,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the aid for dried fodder fixed provisionally and set out in the Annexes to Commission Regulations (EEC) No 3589/89⁽⁷⁾, (EEC) No 4015/89⁽⁸⁾, (EEC) No 266/90⁽⁹⁾, (EEC) No 510/90⁽¹⁰⁾ and (EEC) No 808/90⁽¹¹⁾ fixing the rate of aid for dried fodder shall, from the date of entry into force of each of those Regulations, be fixed at the rates set out in the Annex to this Regulation.

2. The rates of aid for dried fodder fixed provisionally and set out in the Annexes to Commission Regulations (EEC) No 1093/90⁽¹²⁾ and (EEC) No 1242/90⁽¹³⁾ are hereby confirmed.

Article 2

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

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

Done at Brussels, 20 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.
⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.
⁽³⁾ OJ No L 119, 11. 5. 1990, p. 42.
⁽⁴⁾ OJ No L 134, 28. 5. 1990, p. 3.
⁽⁵⁾ OJ No L 134, 28. 5. 1990, p. 7.

⁽⁶⁾ OJ No L 83, 30. 3. 1990, p. 102.
⁽⁷⁾ OJ No L 350, 1. 12. 1989, p. 44.
⁽⁸⁾ OJ No L 382, 30. 12. 1989, p. 32.
⁽⁹⁾ OJ No L 30, 1. 2. 1990, p. 33.
⁽¹⁰⁾ OJ No L 53, 1. 3. 1990, p. 52.
⁽¹¹⁾ OJ No L 85, 30. 3. 1990, p. 55.
⁽¹²⁾ OJ No L 111, 1. 5. 1990, p. 15.
⁽¹³⁾ OJ No L 121, 12. 5. 1990, p. 9.

ANNEX

(ECU/tonne)

Fodder dehydrated by artificial drying; protein concentrates				Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States

Aid rates from 1 December 1989 in case of advance fixing for the month of:

May 1990	67,989	75,079	76,609	42,139	43,669
June 1990	67,989	75,079	76,609	42,139	43,669

Aid rates from 1 January 1990 in case of advance fixing for the month of:

May 1990	73,323	80,855	81,943	47,915	49,003
June 1990	73,323	80,855	81,943	47,915	49,003
July 1990	71,914	79,430	80,534	46,490	47,594

Aid rates from 1 February 1990 in case of advance fixing for the month of:

May 1990	73,681	81,217	82,301	48,277	49,361
June 1990	73,741	81,278	82,361	48,338	49,421
July 1990	74,244	81,787	82,864	48,847	49,924
August 1990	74,244	81,787	82,864	48,847	49,924

Aid rates from 1 March 1990 in case of advance fixing for the month of:

May 1990	78,042	85,627	86,662	52,687	53,722
June 1990	78,042	85,627	86,662	52,687	53,722
July 1990	78,106	85,692	86,726	52,752	53,786
August 1990	78,106	85,692	86,726	52,752	53,786
September 1990	77,344	84,921	85,964	51,981	53,024
October 1990	79,061	86,658	87,681	53,718	54,741

Aid rates from 1 April 1990 in case of advance fixing for the month of:

May 1990	77,309	84,886	85,929	51,946	52,989
June 1990	77,309	84,886	85,929	51,946	52,989
July 1990	78,658	86,250	87,278	53,310	54,338
August 1990	78,658	86,250	87,278	53,310	54,338
September 1990	77,833	85,416	86,453	52,476	53,513
October 1990	79,604	87,207	88,224	54,267	55,284
November 1990	78,289	85,877	86,909	52,937	53,969
December 1990	78,289	85,877	86,909	52,937	53,969

COMMISSION REGULATION (EEC) No 2712/90**of 21 September 1990****totally suspending the customs duties applicable to natural honey imported
from Spain into the Community of Ten**

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 75 (4) thereof,

Whereas point (b) of the second subparagraph of Article
75 (4) provides for the possibility of suspending in whole
or in part the customs duties applicable to products which
are not subject to the common organization of markets
and which are imported into the Community of Ten from
Spain ;

Whereas natural honey is subject to customs duties in the
trade arrangements in question ; whereas Spain has
requested, on the basis of reciprocity, that these customs
duties upon importation into the Community of Ten be
suspended in whole for this product ; whereas, given that
the Community of Ten is not self-sufficient in natural

honey, the customs duties in question should be totally
suspended,

HAS ADOPTED THIS REGULATION :

Article 1

For natural honey falling with CN code 0409 00 00, the
customs duties on import into the Community as consti-
tuted at 31 December 1985 from Spain shall be
suspended in whole.

Article 2

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

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2713/90
of 21 September 1990
fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2533/90 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2533/90 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 44,724 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 September 1990.

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 237, 1. 9. 1990, p. 75.

COMMISSION REGULATION (EEC) No 2714/90
of 21 September 1990
introducing a countervailing charge on certain varieties of plum originating in Hungary

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1193/90⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2259/90⁽³⁾, as amended by Regulation (EEC) No 2638/90⁽⁴⁾, introduced a countervailing charge on certain varieties of plum originating in Hungary;

Whereas for these varieties of plum originating in Hungary there were no prices for six consecutive working

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of certain varieties of plum originating in Hungary can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2259/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 22 September 1990.

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 242, 5. 9. 1990, p. 5.

⁽⁴⁾ OJ No L 251, 14. 9. 1990, p. 10.

**COMMISSION REGULATION (EEC) No 2715/90
of 21 September 1990**

laying down specific provisions concerning export refunds in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 17 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 18 (6) thereof,

Having regard to Council Regulation (EEC) No 885/68 of 28 June 1968 laying down general rules for granting export refunds on beef and veal and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁴⁾, and in particular Article 6 (3) thereof,

Whereas, in accordance with Commission Regulation (EEC) No 1309/90 of 18 May 1990 fixing the export refunds on beef and veal ⁽⁵⁾ it has been decided not to fix any refund on products exported to the German Democratic Republic; whereas the fact that no refund has been fixed should not be taken into account for the purposes of determining the lowest rate of the refund granted in the case of export of pure bred breeding animals and of certain prepared and preserved meat other than uncooked to other destinations;

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

Article 1

The fact that no refund has been fixed on export of the products falling with CN codes 0102 10 00 and 1602 50 90 to the German Democratic Republic, the rate of which is lower than the lowest rate fixed for other destinations, shall not be taken into account for the purposes of determining the lowest rate of refund within the meaning of Article 20 of Commission Regulation (EEC) No 3665/87 ⁽⁶⁾ or applying Articles 4 (7) and 5 (3) of Council Regulation (EEC) No 565/80 ⁽⁷⁾.

Article 2

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

It shall apply with effect from 1 August 1990.

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 129, 19. 5. 1990, p. 21.

⁽⁶⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

COMMISSION REGULATION (EEC) No 2716/90
of 21 September 1990
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 the Act of Accession of Spain and Portugal,

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 1069/89⁽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 2547/90⁽³⁾, as last amended by Regulation (EEC) No 2692/90⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2547/90 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,

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 22 September 1990.

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

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 237, 1. 9. 1990, p. 102.

⁽⁴⁾ OJ No L 256, 20. 9. 1990, p. 22.

ANNEX

to the Commission Regulation of 21 September 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,20 ⁽¹⁾
1701 11 90	36,20 ⁽¹⁾
1701 12 10	36,20 ⁽¹⁾
1701 12 90	36,20 ⁽¹⁾
1701 91 00	43,64
1701 99 10	43,64
1701 99 90	43,64 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 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 2717/90

of 21 September 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
2496/90⁽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 Commis-
sion Regulation (EEC) No 2530/90⁽⁷⁾, as last amended by
Regulation (EEC) No 2642/90⁽⁸⁾;

Whereas the abatement of the subsidy for sunflower
which arises, where appropriate, from the system of
maximum guaranteed quantities for the 1990/91 marke-
ting year, has not yet been fixed for sunflower; 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 2530/90 to the infor-

mation 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 sunflower will be confirmed or replaced as from 22 September 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 22 September 1990.

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

Done at Brussels, 21 September 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 236, 31. 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 237, 1. 9. 1990, p. 59.

⁽⁸⁾ OJ No L 251, 14. 9. 1990, p. 16.

⁽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 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	0,000	0,000	27,003	26,768
— Other Member States	20,442	20,400	19,838	20,115	20,033	19,798
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	47,86	47,76	46,44	47,09	46,90	46,48
— Netherlands (Fl)	53,92	53,81	52,33	53,06	52,84	52,37
— BLEU (Bfrs/Lfrs)	987,08	985,05	957,92	971,29	967,33	957,06
— France (FF)	160,51	160,18	155,76	157,94	157,30	155,45
— Denmark (Dkr)	182,55	182,17	177,15	179,63	178,90	176,80
— Ireland (£ Irl)	17,864	17,828	17,336	17,578	17,507	17,301
— United Kingdom (£)	15,692	15,658	15,177	15,361	15,290	15,000
— Italy (Lit)	35 808	35 734	34 750	35 235	35 091	34 680
— Greece (Dr)	4 289,32	4 273,83	4 112,94	4 152,06	4 128,93	3 987,69
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	5 533,07	5 441,66
— in another Member State (Esc)	5 638,94	5 630,13	5 505,66	5 551,40	5 533,07	5 441,66

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1. Gross aids (ECU):						
— Spain	2,500	2,500	2,500	2,500	2,500	2,500
— Portugal	2,500	2,500	2,500	2,500	29,503	29,268
— Other Member States	22,942	22,900	22,338	22,615	22,533	22,298
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,71	53,61	52,30	52,94	52,75	52,33
— Netherlands (Fl)	60,52	60,41	58,92	59,65	59,44	58,97
— BLEU (Bfrs/Lfrs)	1 107,80	1 105,77	1 078,63	1 092,01	1 088,05	1 077,77
— France (FF)	180,14	179,81	175,39	177,57	176,93	175,08
— Denmark (Dkr)	204,87	204,50	199,48	201,95	201,22	199,12
— Ireland (£ Irl)	20,049	20,012	19,521	19,763	19,692	19,486
— United Kingdom (£)	17,641	17,607	17,126	17,310	17,239	16,949
— Italy (Lit)	40 187	40 113	39 129	39 614	39 470	39 059
— Greece (Dr)	4 832,67	4 817,19	4 656,29	4 695,42	4 672,28	4 531,04
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	382,24	382,24	382,24	382,24	382,24	382,24
— in another Member State (Pta)	195,66	189,45	102,00	136,04	124,92	66,32
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	517,26	517,26	517,26	517,26	6 050,33	5 958,92
— in another Member State (Esc)	6 156,19	6 147,38	6 022,92	6 068,65	6 050,33	5 958,92

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 9 (1)	1st period 10 (1)	2nd period 11 (1)	3rd period 12 (1)	4th period 1 (1)
1. Gross aids (ECU):					
— Spain	8,600	8,600	8,600	8,600	29,569
— Portugal	0,000	0,000	0,000	0,000	38,571
— Other Member States	35,047	35,177	35,308	35,634	34,971
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	82,05	82,35	82,66	83,42	81,87
— Netherlands (Fl)	92,45	92,79	93,14	94,00	92,25
— BLEU (Bfrs/Lfrs)	1 692,31	1 698,59	1 704,92	1 720,66	1 688,64
— France (FF)	275,18	276,20	277,23	279,79	274,59
— Denmark (Dkr)	312,97	314,13	315,30	318,21	312,29
— Ireland (£ Irl)	30,628	30,741	30,856	31,141	30,561
— United Kingdom (£)	27,079	27,183	27,256	27,481	26,942
— Italy (Lit)	61 391	61 618	61 848	62 419	61 258
— Greece (Dr)	7 464,75	7 488,87	7 488,72	7 540,01	7 380,32
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 314,91	1 314,91	1 314,91	1 314,91	4 584,45
— in another Member State (Pta)	4 671,74	4 690,94	4 707,18	4 750,28	4 653,06
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	7 925,88
— in Spain (Esc)	8 140,44	8 168,31	8 189,73	8 247,32	8 102,99
— in another Member State (Esc)	7 962,52	7 989,78	8 010,73	8 067,06	7 925,88
3. Compensatory aids:					
— in Spain (Pta)	4 646,76	4 665,96	4 682,20	4 725,30	—
4. Special aid:					
— in Portugal (Esc)	7 962,52	7 989,78	8 010,73	8 067,06	—

(1) Subject, in cases of advance fixing for the 1990/91 marketing year, to application of maximum guaranteed quantity arrangements for that marketing year.

(2) 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 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
DM	2,061420	2,058230	2,054830	2,051640	2,051640	2,042940
Fl	2,322320	2,318850	2,315210	2,311610	2,311610	2,301550
Bfrs/Lfrs	42,417200	42,378100	42,327400	42,276599	42,276599	42,138900
FF	6,906800	6,905850	6,905300	6,905300	6,905300	6,901590
Dkr	7,871010	7,874610	7,877520	7,877930	7,877930	7,878890
£Irl	0,768274	0,769122	0,769109	0,769628	0,769628	0,770705
£	0,696244	0,698973	0,701549	0,703713	0,703713	0,709676
Lit	1 540,11	1 538,91	1 539,02	1 540,09	1 540,09	1 543,85
Dr	201,05700	202,49000	204,45700	205,94800	205,94800	211,31100
Esc	182,69100	183,35500	184,02300	184,84900	184,84900	187,55700
Pta	129,75300	130,23300	130,69900	131,12300	131,12300	132,35200

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION NOTICE

pursuant to Article 5 (2) of Council Regulation (EEC) No 3975/87 and Article 12 (2) of Council Regulation (EEC) No 1017/68 concerning Case IV/33.634 — Agreements providing for the acquisition by Lufthansa, JAL and Nissho Iwai of minority interests in DHL International

I. Application lodged by DHLI, Lufthansa, JAL and Nissho Iwai

On 20 July 1990, DHL International Limited, DHL House, 13 Mok Cheong St, Tokwawan, Kowloon, Hong Kong, and Middletown NV, Plaza Jojo Correa, 1-5, Willemstad, Curaçao, Netherlands Antilles (together 'DHLI'), Deutsche Lufthansa Aktiengesellschaft ('Lufthansa'), Von-Gablenz-Straße 2-6, 5000 Köln 21, Federal Republic of Germany, Japan Airlines Company, Ltd, ('JAL'), Tokyo Building 7-3, Marunouchi 2-chome, Chiyoda-ku, Tokyo 100, Japan, and Nissho Iwai Corporation ('Nissho Iwai') 4-5, Akasaka 2-chome Minato-ku, Tokyo 107, Japan, submitted an application pursuant to Article 5 of Council Regulation (EEC) No 3975/87⁽¹⁾ and Article 12 of Council Regulation (EEC) No 1017/68⁽²⁾ for a decision granting negative clearance or, in the alternative, applying Article 85 (3) of the EEC Treaty to the agreements concluded on 25 May 1990 by the aforementioned parties.

II. Provisions of the agreements

1. Acquisition by Lufthansa, JAL and Nissho Iwai of minority interests in DHLI and DHL USA

Pursuant to the agreements, Lufthansa and JAL shall each acquire a 5 % holding in DHLI with the option for each to raise its holding to 25,001 % ; Nissho Iwai is to acquire an initial holding of 2,5 % with the option of increasing this to 7,5 %. The options are exercisable within a period of 18 months.

Lufthansa, JAL and Nissho Iwai shall at the same time acquire shareholdings of 1 %, 1 % and 0,5 %, respectively in DHL Corporation USA ('DHL USA'), a separate corporation which provides express delivery services under the DHL name in the United States ; three years following the acquisition of these shareholdings in DHL USA, DHLI will have the option to acquire a 20 % holding in DHL USA. Prior to the exercise of that option, Lufthansa, JAL and Nissho Iwai will transfer their holdings in DHL USA to DHLI.

2. Objectives of the agreements

From the perspective of DHLI's shareholders, the purpose of the agreements is to allow them to realize a portion of their interest in DHLI. As concerns DHLI and the new investors, the purpose of the agreements is to provide DHLI with financially strong shareholders who will increase its ability to compete successfully in an increasingly competitive environment and to permit the new shareholders to make a financial investment in the expanding door-to-door delivery industry.

3. Board and management of DHLI

The 13-member board of DHLI will consist of the chief executive officer and of five directors nominated by DHLI's original shareholders, three directors nominated by each of Lufthansa and JAL and one nominated by Nissho Iwai. If any of the new investors fails to exercise its option in full, its representation will be reduced proportionately. The Board of DHLI will act by simple majority except for certain matters requiring the consent of 80 % of the board. The parties have not entered into any agreement concerning the exercise of their shareholder's or directors' votes.

For as long as they are shareholders, Lufthansa and JAL will each be entitled to nominate one member to DHL USA's 11-member board.

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 175, 23. 7. 1968, p. 1.

4. Relations between DHLI, Lufthansa, JAL, Nissho Iwai and DHLI's original shareholders

The new and original shareholders agree, for a maximum duration of 10 years, and without prejudice to any existing activities, not to engage in, or acquire any new interest in any entity engaged in, the international door-to-door pick-up and delivery of documents and packages using its own ground transport and courier network.

DHLI will have the right to seek the use of airport or package and freight facilities belonging to either Lufthansa or JAL for the purpose of improving its business. Lufthansa and JAL will seek to comply with such requests to the extent that it is commercially reasonable to do so. Lufthansa and JAL may make similar requests of DHLI.

DHLI shall remain free in its choice of cargo carriers in the operation of its business; however, where DHLI chooses to use the cargo services of either Lufthansa or JAL, it shall benefit from that carriers' most preferred customer rates. In turn, DHLI will charge its most preferred customer rate to Lufthansa, JAL and Nissho Iwai.

III. Arguments of the parties for negative clearance or exemption

1. Negative clearance

The parties submit that the agreements will not restrict competition between the new investors and DHLI or as between the new investors, will not have the effect of foreclosing competitors of either DHLI or the new investors and will not strengthen or create a dominant position. In support of these arguments they note, *inter alia*, that DHLI and the new investors are not active in the same markets, that DHLI provides over 90 % of its own air transport requirements within the Community, that its requirements for air transport capacity account for less than 1 % of the cargo capacity made available annually by Lufthansa and JAL and that DHLI's principal competitors are vertically integrated to a significant degree as concerns the supply of air transport capacity.

2. Reasons for exemption

The parties have put forth due following arguments in support of the application of Article 85 (3):

- the agreements will lead to the improvement of the distribution of goods and the provision of door-to-door express delivery services by permitting DHLI to have access to the organizational and management skills of the new investors and by increasing DHLI's ability to plan and carry out the investments necessary to provide competitive services in an expanding and highly competitive environment. The provision of air cargo services by Lufthansa and JAL will also be improved as a result of the new investors' exposure to DHLI's know-how and operational methods,
- consumers will receive a fair share of these benefits because they will be afforded a better level of services at competitive prices,
- there is no possibility of eliminating competition as concerns the services in question. The provision of door-to-door express delivery services is growing at a rate of 30 % per year. The presence of powerful competitors and new market entrants and the sophistication of professional customers ensures that competition will continue to remain intense for the provision of the services concerned.

IV. Conclusion

This notice is published pursuant to the procedure established by Article 5 of Council Regulation (EEC) No 3975/87 and Article 12 of Council Regulation (EEC) No 1017/68, the Commission having determined, *prima facie*, that the agreement in question meets the test of Article 85 (1) of the Treaty. The Commission has not at this stage formed any view on the applicability of Article 85 (3) of the Treaty to the agreement.

The Commission invites all interested third parties and Member States to submit any comments they may have within 30 days from the date of publication of this notice, quoting reference IV/33.634, to the following address:

Commission of the European Communities,
Directorate-General for Competition,
Directorate D
200, rue de la Loi
B-1049 Brussels.

CORRIGENDA

Corrigendum to the second Council Directive 89/646/EEC of 15 December 1989 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions and amending Directive 77/780/EEC

(Official Journal of the European Communities No L 386 of 30 December 1989)

This corrigendum cancels and replaces the corrigendum published in *Official Journal of the European Communities* No. L 158 of 23 June 1990, page 87.

On page 8, Article 16, first indent of Article 12 (5) as quoted:

for: '— authorities responsible for the supervision of other financial ...',

read: '— authorities entrusted with the public duty of supervising other financial ...'.

Corrigendum to Council Directive 90/384/EEC of 20 June 1990 on the harmonization of the laws of the Member States relating to non-automatic weighing instruments

(Official Journal of the European Communities No L 189 of 20 July 1990)

On page 6, Annex I:

— line 2:

for: 'Organisation internationale de Métrologie Légale',

read: 'Organisation Internationale de Métrologie Légale'.

— under 'Metrological requirements', point 1 'Units of mass', second subparagraph, first indent:

for: 'SI untis',

read: 'SI units'.

— Table 1 'Accuracy classes'; second column, against class II:

for: '0,001 g ≤ e ≤ 0,005 g',

read: '0,001 g ≤ e ≤ 0,05 g'.

— footnote (1):

for: 'OJ No L 39, 15. 12. 1980, p. 39',

read: 'OJ No L 39, 15. 2. 1980, p. 40'.

On page 7, Annex I:

— last line of points 2.2.3 and 3.1:

for: 'class 1',

read: 'class I'.

— first line of point 3.3.2:

for: 'range 1',

read: 'range i'.

On page 9, Annex I:

— point 7.6:

the footnote reference '(1)' is deleted.

— footnote (1):

for: 'OJ No L 33, 15. 2. 1980, p. 39',

read: 'OJ No L 39, 15. 2. 1990, p. 40'.
