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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 79/91

of 14 January 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3844/90⁽⁵⁾ and subsequent amending Regulations;

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

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

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

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

Whereas these exchange rates being those recorded on 11 January 1991;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3844/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1991.

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

Done at Brussels, 14 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 13.

ANNEX

to the Commission Regulation of 14 January 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies
	Third country
0709 90 60	141,74 ⁽²⁾ ⁽³⁾
0712 90 19	141,74 ⁽²⁾ ⁽³⁾
1001 10 10	197,00 ⁽¹⁾ ⁽³⁾
1001 10 90	197,00 ⁽¹⁾ ⁽³⁾
1001 90 91	190,15
1001 90 99	190,15
1002 00 00	155,72 ⁽⁶⁾
1003 00 10	147,86
1003 00 90	147,86
1004 00 10	145,39
1004 00 90	145,39
1005 10 90	141,74 ⁽²⁾ ⁽³⁾
1005 90 00	141,74 ⁽²⁾ ⁽³⁾
1007 00 90	147,23 ⁽⁴⁾
1008 10 00	56,09
1008 20 00	123,01 ⁽⁴⁾
1008 30 00	70,64 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	70,64
1101 00 00	279,42 ⁽⁸⁾
1102 10 00	232,06 ⁽⁸⁾
1103 11 10	318,74 ⁽⁸⁾
1103 11 90	300,68 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 80/91

of 14 January 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 11 January 1991;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 1991.

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

Done at Brussels, 14 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 14 January 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,27	3,20	3,19
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 81/91**of 14 January 1991****fixing the maximum export refunds on olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90**

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

Having regard to Council Regulation (EEC) 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 3577/90 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3192/90 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EEC) No 3192/90 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 January 1991.

Article 2

This Regulation shall enter into force on 15 January 1991.

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

Done at Brussels, 14 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 1. 11. 1990, p. 96.

ANNEX

to the Commission Regulation of 14 January 1991 fixing the maximum export refunds on olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

(ECU/100 kg)	
Product code	Amount of refund
1509 10 90 100	63,00
1509 10 90 900	—
1509 90 00 100	72,50
1509 90 00 900	108,05
1510 00 90 100	—
1510 00 90 900	—

NB: The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 82/91
of 5 December 1990

on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices concerning ground handling services

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, as amended by Regulation (EEC) No 2344/90⁽²⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽³⁾,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

Whereas :

- (1) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85(3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices relating directly or indirectly to the provision of air transport services.
- (2) Agreements, decisions or concerted practices concerning ground handling services provided either by air carriers or specialized enterprises, such as technical and operational ground handling, handling of passengers, mail, freight and baggage, and services for the provision of in-flight catering, are liable in certain circumstances to restrict competition and affect trade between Member States. It is appropriate, in the interests of legal certainty for the undertakings concerned, to define a category of agreements which, although not generally restrictive of competition, may benefit from an exemption in the event that, because of particular economic or legal circumstances, they could fall within the scope of Article 85(1).
- (3) Such agreements, decisions or concerted practices may produce economic benefits, in so far as they help to ensure services of a high standard provided with continuity and at reasonable cost, and both

the air carriers and air transport users share in those benefits.

- (4) However, it is necessary to attach conditions to the exemption of such agreements, decisions and concerted practices to ensure that they do not contain restrictions that are not indispensable for the optimal provision of the services, and that they do not lead to the elimination of competition to provide the services.
- (5) The exemption granted by the Regulation must therefore be subject to the condition that the agreements do not oblige air carriers to obtain the services exclusively from a particular supplier, that the supply of the services is not tied to the conclusion of contracts for other goods or services, that each airline is free to choose from the range of services offered by a particular supplier those which best meet its needs, that the rates charged are reasonable for the services actually provided and that air carriers are free to withdraw from the agreements without penalty upon simple notice of not more than three months to that effect.
- (6) In accordance with Article 4 of Regulation (EEC) No 3976/87, this Regulation should apply with retroactive effect to agreements, decisions and concerted practices in existence on the date of entry into force of this Regulation provided that they meet the conditions for exemption set out in this Regulation.
- (7) Under Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.
- (8) Agreements, decisions and concerted practices that are exempted automatically by this Regulation need not be notified under Council Regulation No 17⁽³⁾. However, when real doubt exists, undertakings may request the Commission to declare whether their agreements comply with this Regulation.
- (9) This Regulation is without prejudice to the application of Articles 86 and 90, in particular in situations where there is no competition for the provision of certain ground handling services at an airport,

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No L 217, 11. 8. 1990, p. 15.

⁽³⁾ OJ No C 211, 24. 8. 1990, p. 12.

⁽⁴⁾ OJ No 13, 21. 2. 1962, p. 204/62.

HAS ADOPTED THIS DECISION :

Article 1

Pursuant to Article 85(3) of the Treaty and subject to Article 3 of this Regulation, it is hereby declared that Article 85(1) of the Treaty shall not apply to agreements, decisions or concerted practices to which only two undertakings are party and which deal only with the supply by one party of services referred to in Article 2 to the other, an air carrier, at an airport in the Community open to international air traffic.

Article 2

The exemption granted under Article 1 shall apply to the following services :

1. all technical and operational services generally provided on the ground at airports, such as the provision of the necessary flight documents and information to crews, apron services, including loading and unloading, safety, aircraft servicing and refuelling, and operations before take-off ;
2. all services connected with the handling of passengers, mail, freight and baggage, such as information to passengers and visitors, the handling of passengers and their baggage before departure and after arrival, and the handling and storage of freight and mail in conjunction with the postal services ;
3. all services for the provision of in-flight catering, including the preparation, storage and delivery of meals and supplies to aircraft and the maintenance of catering equipment.

Article 3

The exemption shall apply only if :

1. the agreements, decisions or concerted practices do not oblige the air carrier to obtain any or all of the ground handling services referred to in Article 2 exclusively from a particular supplier ;
2. the supply of the ground handling services referred to in Article 2 is not tied to the conclusion of contracts

for or acceptance of other goods or services which, by their nature or according to commercial usage, have no connection with the services referred to in Article 2 or to the conclusion of a similar contract for supply of services at another airport ;

3. the agreements, decisions or concerted practices do not prevent an air carrier from choosing from the range of ground handling services offered by a particular supplier those it wants to take from that supplier and do not deny it the right to procure similar or other services from another supplier or to provide them itself ;
4. the supplier of the ground handling services does not impose, directly or indirectly, prices or other conditions which are unreasonable and which, in particular, bear no reasonable relation to the cost of the services provided ;
5. the supplier of the ground handling services does not apply dissimilar conditions to equivalent transactions with different customers ;
6. the air carrier is able to withdraw from the agreement with the supplier of the ground handling services without penalty, on giving notice of not more than three months to that effect.

Article 4

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Council Regulation (EEC) No 3976/87, where it finds in a particular case that an agreement, decision or concerted practice exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85(3) or are prohibited by Article 86 of the Treaty.

Article 5

This Regulation shall enter into force on 1 February 1991 and expire on 31 December 1992.

It shall apply with retroactive effect to agreements, decisions and concerted practices in existence when it enters into force, from the time when the conditions of application of this Regulation were fulfilled.

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

Done at Brussels, 5 December 1990.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 83/91

of 5 December 1990

on the application of Article 85 (3) of the Treaty to certain categories of agreements between undertakings relating to computer reservation systems for air transport services

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, as amended by Regulation (EEC) No 2344/90⁽²⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽³⁾,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

Whereas :

- (1) Council Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions and concerted practices relating directly or indirectly to the provision of air transport services.
- (2) Agreements for the common purchase, development and operation of computer reservation systems relating to timetabling, reservations and Ticketing are liable to restrict competition and affect trade between Member States.
- (3) Computer reservation systems (CRS) can render useful services to air carriers, travel agents and air travellers alike by giving ready access to up-to-date and detailed information in particular about flight possibilities, fare options and seat availability. They can also be used to make reservations and in some cases to print tickets and issue boarding passes. They thus help the air traveller to exercise choice on the basis of fuller information in order to meet his travel needs in the optimal manner. However, in order for these benefits to be obtained, flight schedules and fares displays must be as complete and unbiased as possible.
- (4) The CRS market is such that few individual European undertakings could on their own make the investment and achieve the economies of scale required to compete with the more advanced existing systems. Cooperation in this field should therefore be permitted. A block exemption should therefore be granted for such cooperation.
- (5) In accordance with Council Regulation (EEC) No 2299/89⁽⁴⁾ concerning the code of conduct for computer reservation systems the cooperation should not allow the parent carriers to create undue advantages for themselves and thereby distort competition. It is therefore necessary to ensure that no discrimination exists between parent carriers and participating carriers with regard in particular to access and neutrality of display. The block exemption should be subject to conditions which will ensure that all air carriers can participate in the systems on a non-discriminatory basis as regards access, display, information loading and fees. Moreover, in order to maintain competition in an oligopolistic market subscribers must be able to switch from one system to another at short notice and without penalty, and system vendors and air carriers must not act in ways which would restrict competition between systems.
- (6) In accordance with Article 4 of Regulation (EEC) No 3976/87 this Regulation should apply with retroactive effect to agreements in existence on the date of entry into force of this Regulation provided that they meet the conditions for exemption set out in this Regulation.
- (7) Under Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.
- (8) The agreements which are exempted automatically by this Regulation need not be notified under Council Regulation No 17⁽⁵⁾. However when real

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No L 217, 11. 8. 1990, p. 15.

⁽³⁾ OJ No C 211, 24. 8. 1990, p. 7.

⁽⁴⁾ OJ No L 220, 29. 7. 1989, p. 1.

⁽⁵⁾ OJ No 13, 21. 2. 1962, p. 204/62.

doubt exists, undertakings may request the Commission to declare whether their agreements comply with this Regulation.

- (9) This Regulation is without prejudice to the application of Article 86 of the Treaty.

HAS ADOPTED THIS REGULATION:

Article 1

Exemptions

Pursuant to Article 85 (3) of the Treaty and subject to the conditions set out in Articles 3 to 11 of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements between undertakings the purpose of which is one or more of the following:

- (a) to purchase or develop a CRS in common; or
- (b) to create a system vendor to market and operate the CRS; or
- (c) to regulate the provision of distribution facilities by the system vendor or by distributors.

The exemption shall apply only to the following obligations:

- (i) an obligation not to engage directly or indirectly in the development, marketing or operation of another CRS;
- (ii) an obligation on the system vendor to appoint parent carriers or participating carriers as distributors in respect of all or certain subscribers in a defined area of the common market;
- (iii) an obligation on the system vendor to grant a distributor exclusive rights to solicit all or certain subscribers in a defined area of the common market; or
- (iv) an obligation on the system vendor not to allow distributors to sell distribution facilities provided by other system vendors.

Article 2

Definitions

For the purposes of this Regulation:

'computer reservation system' (CRS) means a computerized system containing information about, *inter alia*, air carrier schedules, fares, seat availability and related services, and through which reservations can be made or tickets issued or both, to the extent that all or some of these services are made available to subscribers,

'distribution facilities' means facilities provided by a system vendor for the display of information to subscribers

about air carrier schedules, fares, seat availability, for making reservations or issuing tickets or both, and for providing any other related services,

'distributor' means an undertaking which is authorized by the system vendor to provide distribution facilities to subscribers,

'parent carrier' means an air carrier which is a system vendor or which directly or indirectly, alone or jointly with others, owns or controls a system vendor,

'participating carrier' means an air carrier which has an agreement with a system vendor for the distribution of its services through a CRS. To the extent that a parent carrier uses the distribution facilities of its own CRS, it is considered a participating carrier,

'subscribers' means an undertaking other than a participating carrier, using a CRS within the Community under contract or other arrangement with a system vendor or a distributor for the sale of air transport services to members of the public,

'System vendor' means any entity and its affiliates which is responsible for the operation of a CRS.

Article 3

Access

1. A system vendor offering distribution facilities shall allow any air carrier the opportunity to participate, on an equal and non-discriminatory basis, in these facilities within the available capacity of the system concerned, subject to any technical constraints outside the control of the system vendor.

2. (a) A system vendor shall not

- attach unreasonable conditions to any contract with a participating carrier,
- require the acceptance of supplementary conditions which, by their nature or according to commercial usage, have no connection with participation in its CRS and shall apply the same conditions for the same level of service.

(b) A system vendor shall not make it a condition of participation in its CRS that a participating carrier may not at the same time be a participant in another system.

(c) A participating carrier shall have the right to terminate his contract with a system vendor without penalty on giving notice which need not exceed six months, to expire no earlier than the end of the first year.

3. Loading and processing facilities provided by the system vendor shall be offered to all participating carriers without discrimination.

4. If the system vendor adds any improvement to the distribution facilities provided or the equipment used in the provision of the facilities, it shall offer these improvements to all participating carriers on the same terms and conditions, subject to current technical limitations.

Article 4

Display

1. A system vendor shall provide a principal display and shall include therein data provided by participating carriers on schedules, fares and seats available for individual purchase in a clear and comprehensive manner and without discrimination or bias, in particular as regards the order in which information is presented.

2. A system vendor shall not intentionally or negligently display inaccurate or misleading information and, subject to Article 9 (5), in particular:

- the criteria to be used for ranking information shall not be based on any factor directly or indirectly relating to carrier identity and shall be applied on a non-discriminatory basis to all participating carriers,
- no discrimination on the basis of different airports serving the same city shall be exercised in constructing and selecting city-pairs.

Article 5

Information loading

1. Participating carriers and others providing material for inclusion in a CRS shall ensure that the data submitted are comprehensive, accurate, non-misleading and transparent.

2. A system vendor shall not manipulate the material referred to in paragraph 1 in a manner that would lead to inaccurate, misleading or discriminatory information being provided.

3. A system vendor shall load and process data provided by participating carriers with equal care and timeliness, subject to the constraints of the loading method selected by individual participating carriers and to the standard formats used by the said vendor.

Article 6

Fees

1. Any fee charged by a system vendor shall be non-discriminatory and reasonably related to the cost of the service provided and used, and shall, in particular, be the same for the same level of service.

2. A system vendor shall, on request, provide to interested parties details of current procedures, fees, systems

facilities, editing and display criteria used. However, this provision shall not oblige a system vendor to disclose proprietary information such as software programmes.

3. Any charges to fee levels, conditions or facilities offered and the basis therefore shall be communicated to all participating carriers and subscribers on a non-discriminatory basis.

Article 7

Provision of information

A system vendor shall provide information, statistical or otherwise, generated by its CRS, other than that offered as an integral part of the distribution facilities, only as follows:

- (a) information concerning individual bookings shall be made available on an equal basis to the air carrier or air carriers participating in the service covered by the booking;
- (b) information in aggregate or anonymous form when made available on request to any air carrier shall be offered to all participating air carriers on a non-discriminatory basis;
- (c) other information generated by the CRS shall be made available with the consent of the air carrier concerned and subject to any agreement between a system vendor and participating carriers;
- (d) personal information concerning a consumer and generated by a travel agent shall be made available to others not involved in the transaction only with the consent of the consumer.

Article 8

Reciprocity

1. The obligations of a system vendor under Articles 3 to 7 shall not apply in respect of a parent carrier of a third country to the extent that its CRS does not conform with this Regulation or does not offer Community air carriers equivalent treatment to that provided under this Regulation.

2. The obligation of parent and participating carriers under Article 10 shall not apply in respect of a CRS controlled by air carriers of a third country to the extent that that parent or participating carrier is not accorded equivalent treatment in that country to that provided under this Regulation.

3. A system vendor or an air carrier proposing to avail itself of the provisions of paragraphs 1 or 2 must notify the Commission of its intentions and the reasons therefore at least 14 days in advance of such action. In exceptional circumstances, the Commission may, at the request of the vendor or the air carrier concerned, grant a waiver from the 14-day rule.

4. Upon receipt of a notification, the Commission shall without delay determine whether discrimination within the meaning of paragraph 1 or 2 exists. If this is found to be the case, the Commission shall so inform all system vendors or the air carriers concerned in the Community as well as Member States. If discrimination within the meaning of paragraph 1 or 2 does not exist, the Commission shall so inform the system vendor or air carriers concerned.

Article 9

Contracts with subscribers

1. A system vendor shall make any of the distribution facilities of a CRS available to any subscriber on a non-discriminatory basis.
2. A system vendor shall not require a subscriber to sign an exclusive contract, nor directly or indirectly prevent a subscriber from subscribing to, or using, any other system or systems.
3. A service enhancement offered to any other subscriber shall be offered by the system vendor to all subscribers on a non-discriminatory basis.
4. A system vendor shall not attach unreasonable conditions to any contract with a subscriber and, in particular, a subscriber may terminate his contract with a system vendor, without penalty, on giving notice which need not exceed three months to expire no earlier than the end of the first year.
5. A system vendor shall ensure, either through technical means or through the contract with the subscriber, that the principal display is provided for each individual transaction and that the subscriber does not manipulate material supplied by CRSs in a manner that would lead to inaccurate, misleading or discriminatory presentation of information to consumers. However, for any one transaction a subscriber may re-order data or use alternative displays to meet a preference expressed by a consumer.
6. A system vendor shall not impose any obligation on a subscriber to accept an offer of technical equipment, but may require the use of equipment compatible with its own system.

Article 10

Relations with subscribers

1. A carrier shall not link the use of CRS of which it is parent or participating carrier by a subscriber with the receipt of any commission or other incentive for the sale of or issue of tickets for any of its air transport products.
2. A carrier shall not require use of CRS of which it is parent or participating carrier by a subscriber for any sale

or issue of tickets for any air transport products provided either directly or indirectly by itself.

3. Paragraphs 1 and 2 shall be without prejudice to any condition which an air carrier may require of a travel agent when authorizing it to sell and issue tickets for its air transport products.

Article 11

Competition between system vendors

The system vendor shall not enter into any agreement or engage in a concerted practice with other system vendors with the object or effect of partitioning the market.

Article 12

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation (EEC) No 3976/87, where it finds in a particular case that an agreement exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85 (3) or which are prohibited by Article 86 of the Treaty, and in particular where:

- (i) the agreement hinders the maintenance of effective competition in the market for computer reservation systems;
- (ii) the agreement has the effect of restricting competition in the air transport or travel related markets;
- (iii) the system vendor directly or indirectly imposes unfair prices, fees or charges on subscribers or on participating carriers;
- (iv) the system vendor or distributor refuses to enter into a contract with a subscriber for the use of a CRS without an objective and non-discriminatory reason of a technical or commercial nature;
- (v) a parent carrier who holds a dominant position within the common market or in a substantial part of it, refuses to participate in the distribution facilities provided by a competing CRS without an objective and non-discriminatory reason of a technical or commercial nature;
- (vi) the system vendor denies participating carriers access to any facilities other than distribution facilities without an objective and non-discriminatory reason of a technical or commercial nature.

Article 13

This Regulation shall enter into force on 1 February 1991 and expire on 31 December 1992.

It shall apply with retroactive effect to agreements which were in existence at the date of its entry into force, from the time when the conditions of application of this Regulation were fulfilled.

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

Done at Brussels, 5 December 1990.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 84/91
of 5 December 1990

on the application of Article 85 (3) of the Treaty to certain categories of agreements, decisions and concerted practices concerning joint planning and coordination of capacity, consultations on passenger and cargo tariffs rates on scheduled air services and slot allocation at airports

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85 (3) to certain categories of agreements, decisions and concerted practices in the air transport sector⁽¹⁾, as amended by Regulation (EEC) No 2344/90⁽²⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽³⁾,

Having consulted the Advisory Committee on Agreements and Dominant Positions in Air Transport,

Whereas :

- (1) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 85 (3) of the Treaty by regulation to certain categories of agreements, decisions or concerted practices relating directly or indirectly to the provision of air transport services.
- (2) Agreements, decisions or concerted practices concerning joint planning and coordination of capacity, consultations on tariffs and slot allocation at airports are liable to restrict competition and affect trade between Member States.
- (3) Joint planning and coordination of capacity can help ensure the maintenance of services at less busy times of the day, during less busy periods or on less busy routes, and the development of onwards connections thus benefitting air transport

users. However, no air carrier should be bound by the results of such planning and coordination but must be free to change its planned services unilaterally. Nor must the planning and coordination prevent carriers deploying extra capacity. Any clauses concerning extra flights must not require the approval of the other parties or involve financial penalties. These arrangements must also allow parties to withdraw from them at reasonably short notice.

- (4) Consultations on passenger and cargo tariffs may contribute to the generalized acceptance of interlinable fares and rates to the benefit of air carriers as well as air transport users. However, consultations must not exceed the lawful purpose of facilitating interlining. Council Regulation (EEC) No 2342/90 of 24 July 1990 on fares for scheduled air services between Member States⁽⁴⁾ and the proposed Council Regulation on the operation of scheduled air cargo services between Member States⁽⁵⁾ are a step towards the increase of price competition in air transport and restrict the possibility of innovative and competitive passenger fares and cargo rates being blocked. Hence, competition may not be eliminated under these arrangements. Consultations on passenger and cargo tariffs between air carriers may therefore be permitted for the present time, provided that the participation in such consultations is optional, that they do not lead to an agreement in respect of fares, rates or related conditions, that in the interests of transparency the Commission and the Member States concerned can send observers to them, and that air carriers participating in the consultation mechanism are obliged to interline with all other carriers concerned, at their own tariffs for the tariff category being discussed ;

Where the air carrier wishing to benefit from the obligation to interline applies different tariffs from the airline which effects carriage, it may for that purpose file matching tariffs under Article 3 (5) of Regulation (EEC) No 2342/90.

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 9.

⁽²⁾ OJ No L 217, 11. 8. 1990, p. 15.

⁽³⁾ OJ No C 211, 24. 8. 1990, p. 2.

⁽⁴⁾ OJ No L 217, 11. 8. 1990, p. 1.

⁽⁵⁾ OJ No C 88, 6. 4. 1990, p. 7.

(5) Arrangements on slot allocation at airports and airport scheduling can improve the utilization of airport capacity and airspace, facilitate air traffic control and help spread out the supply of air transport services from the airport. However, for competition not to be eliminated, entry to congested airports must remain possible. In order to provide a satisfactory degree of security and transparency, such arrangements can only be accepted if all the air carriers concerned can participate in the negotiations, and if the allocation is made on a non-discriminatory and transparent basis.

(6) In accordance with Article 4 of Regulation (EEC) No 3976/87, this Regulation should apply with retroactive effect to agreements, decisions and concerted practices in existence on the date of entry into force of this Regulation provided that they meet the conditions for exemption set out in this Regulation.

(7) Under Article 7 of Regulation (EEC) No 3976/87, this Regulation should also specify the circumstances in which the Commission may withdraw the block exemption in individual cases.

(8) No applications under Articles 3 or 5 of Council Regulation (EEC) No 3975/87⁽¹⁾ need be made in respect of agreements automatically exempted by this Regulation. However, when real doubt exists, undertakings may request the Commission to declare whether their arrangements comply with this Regulation.

(9) This Regulation is without prejudice to the application of Article 86 of the Treaty,

HAS ADOPTED THIS REGULATION :

TITLE I

EXEMPTIONS

Article 1

Pursuant to Article 85 (3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to agreements between undertakings in the air transport sector, decisions by associations of such undertakings and concerted practices between such undertakings which have as their purpose one or more of the following :

- joint planning and coordination of the capacity to be provided on scheduled international air services between Community airports,
- the holding of consultations on tariffs for the carriage of passengers, with their baggage, and of freight on scheduled international air services between Community airports ; or
- slot allocation and airport scheduling in so far as they concern international air services between airports in the Community.

TITLE II

SPECIAL PROVISIONS

Article 2

Special provisions for joint planning and coordination of capacity

The exemption concerning joint planning and coordination of the capacity to be provided on scheduled air services shall apply only if :

- (a) the agreements, decisions and concerted practices do not bind air carriers to the results of the planning and coordination ;
- (b) the planning and coordination are intended to ensure a satisfactory supply of services at less busy times of the day, during less busy periods or on less busy routes, or to establish schedules which will facilitate connections for passengers or freight between services operated by the participants ;
- (c) the agreements, decisions and concerted practices do not include arrangements such as to limit, directly or indirectly, the capacity to be provided by the participants or to share capacity ;
- (d) the agreements, decisions and concerted practices do not prevent carriers taking part in the planning and coordination from changing their planned services, both with respect to capacity and schedules, without incurring penalties and without being required to obtain the approval of the other participants ;
- (e) the agreements, decisions and concerted practices do not prevent carriers from withdrawing from the planning and coordination for future seasons without penalty, on giving notice of not more than three months to that effect ;
- (f) the agreements, decisions and concerted practices do not seek to influence the capacity provided or schedules adopted by carriers not participating in them.

⁽¹⁾ OJ No L 374, 31. 12. 1987, p. 1.

*Article 3***Special provisions for consultations on passenger and cargo tariffs**

1. The exemption concerning the holding of consultations on passenger and cargo tariffs shall apply only if :

- (a) the participants only discuss passenger or cargo tariffs to be paid by air transport users directly to a participating air carrier or to its authorized agents, for carriage as passengers or for the airport-to-airport transport of freight on a scheduled service. The consultations shall not extend to the capacity for which such tariffs are to be available ;
- (b) the consultations are intended to arrange interlining, i.e. any air carrier participating in the consultations, in respect of the types of tariffs or rates and of the seasons which were the subject of the consultations, grants other air carriers which in accordance with paragraph (d) are entitled to participate in the consultations, the authority :
 - (i) to issue or complete transportation documents for carriage over its routes within the Community in accordance with its own tariffs and with other applicable provisions, and
 - (ii) to effect changes to its transportation documents for carriage over its routes within the Community in accordance with generally applicable procedures,

provided that an air carrier may refuse to grant this authority for objective and non-discriminatory reasons of a technical or commercial nature, in particular concerned with the creditworthiness of the air carrier to whom this authority is refused of which that carrier must be notified in writing ;

- (c) the passenger or cargo tariffs which are the subject of the consultations are applied by participating air carriers without discrimination on grounds of passengers' nationality or place of residence or on grounds of origin of the freight within the Community ;
- (d) participation in the consultations is voluntary and open to any air carrier who operates or has applied to operate direct or indirect services on the route concerned, including air carriers entitled to exercise fifth-freedom traffic rights in accordance with Article 8 of Council Regulation (EEC) No 2343/90 ⁽¹⁾ ;
- (e) the consultations are not binding on participants, that is to say, following the consultations the participants retain the right to act independently in respect of passenger and cargo tariffs ;

(f) the consultations do not entail agreement on agents' remuneration or other elements of the tariffs discussed ;

(g) in respect of each passenger tariff which was the subject of the consultation, each participant informs the Commission without delay of its submission to the aeronautical authorities of the Member States concerned.

2. (a) The Commission and the Member States concerned shall be entitled to send observers to tariff consultations, whether bilateral or multilateral. For this purpose, air carriers shall give the Member States concerned and the Commission the same notice as is given to participants, but not less than 10 days' notice, of the date, venue and subject-matter of the consultations.

(b) Such notice shall be given :

- (i) to the Member States concerned according to procedures to be established by the competent authorities of those Member States ;
- (ii) to the Commission according to procedures to be published from time to time in the *Official Journal of the European Communities*.

(c) A full report on these consultations shall be submitted to the Commission by or on behalf of the air carriers involved at the same time as it is submitted to participants, but not later than six weeks after these consultations were held.

*Article 4***Special provisions for slot allocation and airport scheduling ⁽²⁾**

1. The exemption concerning slot allocation and airport scheduling shall apply only if :

- (a) the consultations on slot allocation and airport scheduling are open to all air carriers having expressed an interest in the slots which are the subject of the consultations ;
- (b) rules of priority are established which neither directly nor indirectly relate to carrier identity or nationality or category of service, take into account constraints or air traffic distribution rules laid down by competent national or international authorities and give due consideration to the needs of the travelling public and of the airport concerned. Such rules of priority may

⁽²⁾ Article 4 will be reconsidered by the Commission in the light of progress in the consideration by the Council of common rules on slot allocation.

⁽¹⁾ OJ No L 217, 11. 8. 1990, p. 8.

take account of rights acquired by air carriers through the use of particular slots in the previous corresponding season ;

- (c) the rules of priority established are made available on request to any interested party ;
- (d) the rules are applied without discrimination, that is to say that, subject to the rules, each carrier shall have an equal right to slots for its services ;
- (e) new entrants have priority in the allocation of at least 50 % of newly created or unused slots ; this priority may be limited to a maximum of at least four slots per carrier on any day.

For the purpose of this point, 'new entrant' means an air carrier

- (i) not holding more than three slots on a day at an airport and requesting further slots at that airport for services on intra-Community routes during that day, or
- (ii) not holding more than 30 % of slots held by all carriers on a day at an airport or at other airports in the same airport system, and requesting further slots at that airport during that day to commence a service falling within the sphere of application of Regulation (EEC) No 2343/90 on an intra-Community route on which at most two other air carriers are exercising third- or fourth-freedom traffic rights between the airports concerned during that day

and which does not obtain these slots within three hours of the time requested through the normal allocation process ;

- (f) air carriers participating in the consultations have access, at the latest at the time of the consultations, to information relating to :

- historical slots by air carrier and chronologically for all air carriers,
- requested slots (initial submissions) by air carriers and chronologically for all air carriers,
- allocated slots, and outstanding slot requests if different, by air carrier and chronologically for all air carriers,
- remaining slots available,
- comparisons between requested slots and allocated slots by time interval and by carrier,

— full details on the constraints being used in allocation.

If a request for slots is not accepted, the air carrier concerned shall be entitled to a statement of the reasons therefore.

- 2. (a) The Commission and the Member States concerned shall be entitled to send observers to consultations on slot allocation and airport scheduling held in the context of a multilateral meeting in advance of each season. For this purpose, air carriers shall give the Member States concerned and the Commission the same notice as is given to participants, but not less than 10 days' notice, of the date, venue and subject-matter of consultations.

- (b) Such notice shall be given

- (i) to the Member States concerned according to procedures to be established by the competent authorities of those Member States ;
- (ii) to the Commission according to procedures to be published from time to time in the *Official Journal of the European Communities*.

TITLE III

MISCELLANEOUS PROVISIONS

Article 5

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation (EEC) No 3976/87, where it finds in a particular case that an agreement, decision or concerted practice exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down by Article 85 (3) or are prohibited by Article 86 of the Treaty, and in particular where :

- (i) tariff consultations lead to the absence of price competition on any route or group of routes ;

- (ii) the operation of Article 4 has not enabled new entrants to obtain such slots as may be required at a congested airport in order to establish schedules which enable these carriers to compete effectively with incumbent carriers on any route to and from that airport and competition on those routes is thereby substantially impaired. In such cases the withdrawal of the benefit of this Regulation shall be in respect of the slot allocation at the airport in question.

Article 6

This Regulation shall enter into force on 1 February 1991 and expire on 31 December 1992.

It shall apply with retroactive effect to agreements, decisions and concerted practices in existence when it enters into force, from the time when the conditions of application of this Regulation were fulfilled.

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

Done at Brussels, 5 December 1990.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 85/91

of 11 January 1991

amending Regulation (EEC) No 3507/90 increasing to 200 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 2619/90⁽⁴⁾;

Whereas Commission Regulation (EEC) No 3507/90⁽⁵⁾ opened a standing invitation to tender for the export of 100 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 2 January 1991 Germany informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency, for which a standing invitation to tender for export has been opened, should be increased to 200 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 3507/90 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 3507/90 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 200 000 tonnes of barley to be exported to all third countries.

2. The regions in which the 200 000 tonnes of barley are stored are listed in Annex I hereto.'

Article 2

Annex I to Regulation (EEC) No 3507/90 is replaced by the Annex hereto.

Article 3

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, 11 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 8.

⁽⁵⁾ OJ No L 338, 5. 12. 1990, p. 15.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	83 446
Niedersachsen/Bremen	10 743
Nordrhein-Westfalen	23 696
Hessen	8 350
Rheinland-Pfalz	12 512
Baden-Württemberg	5 573
Bayern	55 598'

COMMISSION REGULATION (EEC) No 86/91

of 14 January 1991

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 24 000 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, 14 January 1991.

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 Nos** ⁽¹⁾: 1042/90
2. **Programme**: 1990
3. **Recipient**: Arab Republic of Egypt
4. **Representative of the recipient** ⁽²⁾: Ambassade de la République Arabe d'Égypte, Section commerciale, 522 avenue Louise, B-1050 Bruxelles; tel. 02 647 32 27, telex 64809 COMRAU B
5. **Place or country of destination**: Egypt
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity**: 24 000 tonnes
9. **Number of lots**: 1
10. **Packaging**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment, fob stowed ⁽⁶⁾
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**: before 25. 2 — 15. 3. 1991
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**: 12 noon on 29. 1. 1991
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 12. 2. 1991
 - (b) period for making the goods available at the port of shipment: 10. 3 — 31. 3. 1991
 - (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** ⁽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 Bruxelles; telex 22037 AGREC B/25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾: refund applicable on 25. 1. 1991 fixed by Commission Regulation (EEC) No 3741/90 (OJ No L 360, 22. 12. 1990, p. 15)

Notes :

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to contact by the successful tenderer :
Mme Henrich, Délégué, 6 IBN Zanri Str., Cairo Zamalek ; telex 94258 EUROP UN-CAIRO.
- (3) The successful tenderer shall supply 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) 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.
- (6) 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.
- (7) The radioactivity certificate must be endorsed by an Egyptian embassy or consulate.
-

COMMISSION REGULATION (EEC) No 87/91

of 14 January 1991

amending Regulation (EEC) No 19/82 laying down detailed rules for applying Council Regulation (EEC) No 2641/90 with regard to imports of sheepmeat and goatmeat products originating in certain non-member countries

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 15 (2) thereof,

Having regard to Council Regulation (EEC) No 2641/80 of 14 October 1980 derogating from certain import rules laid down in Regulation (EEC) No 1837/80 on the common organization of the market in sheepmeat and goatmeat⁽²⁾, as amended by Regulation (EEC) No 3939/87⁽³⁾, and in particular Article 1 (2) thereof,

Whereas Commission Regulation (EEC) No 19/82 of 6 January 1982 laying down detailed rules for applying Regulation (EEC) No 2641/80 with regard to imports of sheepmeat and goatmeat products originating in certain non-member countries⁽⁴⁾, as amended by Regulation (EEC) No 3785/90⁽⁵⁾, relates in particular to licences issued in the framework of voluntary-restraint agreements and Annex III thereof contains a list of authorities in third countries empowered to issue export licences;

Whereas Romania has changed the authority empowered to issue export licences; Whereas Annex III to Regula-

tion (EEC) No 19/82 should accordingly be modified by details of the authority of Romania now empowered to issue export licences;

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

HAS ADOPTED THIS REGULATION:

Article 1

In point IX of Annex III to Regulation (EEC) No 19/82: 'Prodexport' is replaced by 'Ministère du Commerce et du Tourisme — Département pour le Commerce Extérieur'.

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 February 1991.

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

Done at Brussels, 14 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 275, 18. 10. 1980, p. 2.

⁽³⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 3, 7. 1. 1982, p. 18.

⁽⁵⁾ OJ No L 364, 28. 12. 1990, p. 23.

COMMISSION REGULATION (EEC) No 88/91
of 14 January 1991
fixing the import levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3641/90 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 3803/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3803/90 to the prices

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 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 January 1991.

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

Done at Brussels, 14 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1991, p. 5.

⁽²⁾ OJ No L 303, 31. 10. 1990, p. 5.

⁽³⁾ OJ No L 365, 28. 12. 1991, p. 47.

ANNEX

to the Commission Regulation of 14 January 1991 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		19,28
0401 10 90		18,07
0401 20 11		26,43
0401 20 19		25,22
0401 20 91		31,99
0401 20 99		30,78
0401 30 11		81,67
0401 30 19		80,46
0401 30 31		156,55
0401 30 39		155,34
0401 30 91		262,00
0401 30 99		260,79
0402 10 11	(*)	139,78
0402 10 19	(*)	132,53
0402 10 91	(*) (*)	1,3253/kg + 29,75
0402 10 99	(*) (*)	1,3253/kg + 22,50
0402 21 11	(*)	205,08
0402 21 17	(*)	197,83
0402 21 19	(*)	197,83
0402 21 91	(*)	239,88
0402 21 99	(*)	232,63
0402 29 11	(*) (*) (*)	1,9783/kg + 29,75
0402 29 15	(*) (*)	1,9783/kg + 29,75
0402 29 19	(*) (*)	1,9783/kg + 22,50
0402 29 91	(*) (*)	2,3263/kg + 29,75
0402 29 99	(*) (*)	2,3263/kg + 22,50
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	156,55
0402 91 59	(*)	155,34
0402 91 91	(*)	262,00
0402 91 99	(*)	260,79
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,5292/kg + 26,13
0402 99 39	(*) (*)	1,5292/kg + 24,92
0402 99 91	(*) (*)	2,5837/kg + 26,13
0402 99 99	(*) (*)	2,5837/kg + 24,92
0403 10 02		139,78
0403 10 04		205,08

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

CN code	Note	Import levy
0403 10 06		239,88
0403 10 12	(¹)	1,3253/kg + 29,75
0403 10 14	(¹)	1,9783/kg + 29,75
0403 10 16	(¹)	2,3263/kg + 29,75
0403 10 22		28,84
0403 10 24		34,40
0403 10 26		84,08
0403 10 32	(¹)	0,2280/kg + 28,54
0403 10 34	(¹)	0,2836/kg + 28,54
0403 10 36	(¹)	0,7804/kg + 28,54
0403 90 11		139,78
0403 90 13		205,08
0403 90 19		239,88
0403 90 31	(¹)	1,3253/kg + 29,75
0403 90 33	(¹)	1,9783/kg + 29,75
0403 90 39	(¹)	2,3263/kg + 29,75
0403 90 51		28,84
0403 90 53		34,40
0403 90 59		84,08
0403 90 61	(¹)	0,2280/kg + 28,54
0403 90 63	(¹)	0,2836/kg + 28,54
0403 90 69	(¹)	0,7804/kg + 28,54
0404 10 11		30,82
0404 10 19	(¹)	0,3082/kg + 22,50
0404 10 91	(²)	0,3082/kg
0404 10 99	(²)	0,3082/kg + 22,50
0404 90 11		139,78
0404 90 13		205,08
0404 90 19		239,88
0404 90 31		139,78
0404 90 33		205,08
0404 90 39		239,88
0404 90 51	(¹)	1,3253/kg + 29,75
0404 90 53	(¹) (²)	1,9783/kg + 29,75
0404 90 59	(¹)	2,3263/kg + 29,75
0404 90 91	(¹)	1,3253/kg + 29,75
0404 90 93	(¹) (²)	1,9783/kg + 29,75
0404 90 99	(¹)	2,3263/kg + 29,75
0405 00 10		270,43
0405 00 90		329,92
0406 10 10	(⁴)	238,49
0406 10 90	(⁴)	286,53
0406 20 10	(³) (⁴)	409,59
0406 20 90	(⁴)	409,59
0406 30 10	(³) (⁴)	190,88
0406 30 31	(³) (⁴)	177,46
0406 30 39	(³) (⁴)	190,88
0406 30 90	(³) (⁴)	287,60

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

CN code	Note	Import levy
0406 40 00	(3) (*)	148,14
0406 90 11	(3) (*)	237,54
0406 90 13	(3) (*)	196,74
0406 90 15	(3) (*)	196,74
0406 90 17	(3) (*)	196,74
0406 90 19	(3) (*)	409,59
0406 90 21	(3) (*)	237,54
0406 90 23	(3) (*)	189,81
0406 90 25	(3) (*)	189,81
0406 90 27	(3) (*)	189,81
0406 90 29	(3) (*)	189,81
0406 90 31	(3) (*)	189,81
0406 90 33	(*)	189,81
0406 90 35	(3) (*)	189,81
0406 90 37	(3) (*)	189,81
0406 90 39	(3) (*)	189,81
0406 90 50	(3) (*)	189,81
0406 90 61	(*)	409,59
0406 90 63	(*)	409,59
0406 90 69	(*)	409,59
0406 90 71	(*)	238,49
0406 90 73	(*)	189,81
0406 90 75	(*)	189,81
0406 90 77	(*)	189,81
0406 90 79	(*)	189,81
0406 90 81	(*)	189,81
0406 90 83	(*)	189,81
0406 90 85	(*)	189,81
0406 90 89	(3) (*)	189,81
0406 90 91	(*)	238,49
0406 90 93	(*)	238,49
0406 90 97	(*)	286,53
0406 90 99	(*)	286,53
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		101,82
2309 10 19		132,30
2309 10 39		123,99
2309 10 59		102,36
2309 10 70		132,30
2309 90 35		101,82
2309 90 39		132,30
2309 90 49		123,99
2309 90 59		102,36
2309 90 70		132,30

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- (1) The levy on 100 kg of product falling within this code is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
 - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this code is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (3) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
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