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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 177/91

of 25 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 24 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 26 January 1991.

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

Done at Brussels, 25 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 25 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	141,48 ⁽²⁾ ⁽³⁾
0712 90 19	141,48 ⁽²⁾ ⁽³⁾
1001 10 10	200,16 ⁽¹⁾ ⁽³⁾
1001 10 90	200,16 ⁽¹⁾ ⁽³⁾
1001 90 91	195,64
1001 90 99	195,64
1002 00 00	157,65 ⁽⁶⁾
1003 00 10	155,33
1003 00 90	155,33
1004 00 10	147,39
1004 00 90	147,39
1005 10 90	141,48 ⁽²⁾ ⁽³⁾
1005 90 00	141,48 ⁽²⁾ ⁽³⁾
1007 00 90	148,11 ⁽⁴⁾
1008 10 00	66,36
1008 20 00	127,76 ⁽⁴⁾
1008 30 00	75,57 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	75,57
1101 00 00	287,92 ⁽⁸⁾
1102 10 00	234,96 ⁽⁸⁾
1103 11 10	324,04 ⁽⁸⁾
1103 11 90	309,86 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 178/91

of 25 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 24 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 26 January 1991.

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

Done at Brussels, 25 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 25 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	1,60	1,60	1,60
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 179/91
of 25 January 1991
fixing the import levies on rice and broken rice

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

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

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

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as 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 3846/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 120/91 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 January 1991.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 16.

⁽⁶⁾ OJ No L 14, 19. 1. 1991, p. 11.

ANNEX

to the Commission Regulation of 25 January 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾)(⁽²⁾)	Third countries (except ACP or OCT) (⁽³⁾)(⁽⁴⁾)
1006 10 21	—	156,76	320,73
1006 10 23	239,77	156,24	319,69
1006 10 25	239,77	156,24	319,69
1006 10 27	239,77	156,24	319,69
1006 10 92	—	156,76	320,73
1006 10 94	239,77	156,24	319,69
1006 10 96	239,77	156,24	319,69
1006 10 98	239,77	156,24	319,69
1006 20 11	—	196,85	400,91
1006 20 13	299,71	196,20	399,61
1006 20 15	299,71	196,20	399,61
1006 20 17	299,71	196,20	399,61
1006 20 92	—	196,85	400,91
1006 20 94	299,71	196,20	399,61
1006 20 96	299,71	196,20	399,61
1006 20 98	299,71	196,20	399,61
1006 30 21	—	244,09	512,04 (⁽⁵⁾)
1006 30 23	439,43 (⁽⁵⁾)	281,06	585,90 (⁽⁵⁾)
1006 30 25	439,43 (⁽⁵⁾)	281,06	585,90 (⁽⁵⁾)
1006 30 27	439,43 (⁽⁵⁾)	281,06	585,90 (⁽⁵⁾)
1006 30 42	—	244,09	512,04 (⁽⁵⁾)
1006 30 44	439,43 (⁽⁵⁾)	281,06	585,90 (⁽⁵⁾)
1006 30 46	439,43 (⁽⁵⁾)	281,06	585,90 (⁽⁵⁾)
1006 30 48	439,43 (⁽⁵⁾)	281,06	585,90 (⁽⁵⁾)
1006 30 61	—	260,31	545,33 (⁽⁵⁾)
1006 30 63	471,07 (⁽⁵⁾)	301,69	628,09 (⁽⁵⁾)
1006 30 65	471,07 (⁽⁵⁾)	301,69	628,09 (⁽⁵⁾)
1006 30 67	471,07 (⁽⁵⁾)	301,69	628,09 (⁽⁵⁾)
1006 30 92	—	260,31	545,33 (⁽⁵⁾)
1006 30 94	471,07 (⁽⁵⁾)	301,69	628,09 (⁽⁵⁾)
1006 30 96	471,07 (⁽⁵⁾)	301,69	628,09 (⁽⁵⁾)
1006 30 98	471,07 (⁽⁵⁾)	301,69	628,09 (⁽⁵⁾)
1006 40 00	—	94,28	194,56

(⁽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.

(⁽⁴⁾) The import levy on rice originating in Bangladesh is specified in Regulation (EEC) No 3491/90.

(⁽⁵⁾) 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 180/91**of 25 January 1991****fixing the premiums to be added to the import levies on rice and broken rice**

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

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

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

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 3847/90 ⁽³⁾, as last amended by Regulation (EEC) No 121/91 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 January 1991.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 19.

⁽⁴⁾ OJ No L 14, 19. 1. 1991, p. 13.

ANNEX

to the Commission Regulation of 25 January 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
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 181/91

of 24 January 1991

opening individual sales by invitation to tender for the export of vinous alcohol held by intervention agencies

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 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 1780/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 3391/90 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies ;

Whereas individual sales by invitation to tender should be organized for the export of alcohol to certain third countries for end use as motor fuel ; whereas these countries should be given the assurance of increased continuity of supply ;

Whereas the invitations to tender opened by this Regulation relate to certain third countries where there is some guarantee that exports of vinous alcohol will not disturb their markets in alcohol and spirituous beverages ; whereas the amount and detailed rules for the release of the performance security may be adapted accordingly ;

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

Article 1

1. Four individual sales by invitation to tender Nos 61/91 to 64/91 shall be held of a total quantity of 200 000 hectolitres of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies. Each invitation to tender should be for a quantity of 50 000 hectolitres of alcohol.

2. The alcohol offered for sale :

- shall be for export outside the European Economic Community,
- must be imported into and dehydrated in one of the following third countries :

- Guatemala,
- Belize,
- Honduras, including the Swan Islands,
- El Salvador,
- Costa Rica,
- St Christopher and Nevis,
- Haiti,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,
- St Lucia,
- St Vincent, including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,
- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles : Curaçao, Bonaire, St Eustace, Saba and the southern part of St Martin,
- Guyana,
- Virgin Islands of the United States,

- must be used only as motor fuel.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol shall be specified in the notices of individual invitation to tender Nos 61/91 to 64/91.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 178, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 273, 27. 11. 1990, p. 23.

Article 3

The sales shall take place in accordance with Regulation (EEC) No 1780/89, and in particular Articles 10 to 17 and 29 to 38 thereof.

However :

- one half of the performance security shall be released by the intervention agency holding the alcohol on removal of the quantity concerned from the agency's stores when the successful tenderer furnishes proof that that quantity has been placed under customs supervision in the territory of one of the third countries listed in Article 1 (2),
- the remainder of the performance security shall be released in accordance with Article 33 (3) (b) of Regulation (EEC) No 1780/89.

In addition, to be admissible, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose.

Tenders must also include a statement by the tenderer to the effect that he has engaged an operator in the motor

fuel sector in one of the third countries listed in Article 1 (2) who has undertaken to dehydrate the alcohol awarded in one of these countries and to export it for use solely in the motor fuel sector.

Article 4

The specific conditions applying to the four individual sales by invitation to tender and the names and addresses of the intervention agencies concerned shall be given in the notices of individual invitation to tender Nos 61/91 to 64/91 published in the 'C' series of the *Official Journal of the European Communities*.

Article 5

The deadline for the submission of tenders at the address given in the notices of invitation to tender shall be 12 noon (Brussels time) on 13 February 1991.

Article 6

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, 24 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 182/91

of 25 January 1991

opening a standing invitation to tender for the export of 500 000 tonnes of barley
held by the Spanish intervention agency

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,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾, as amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that cereals held by the intervention agencies shall be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁵⁾, as last amended by Regulation (EEC) No 2619/90⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 18 January 1991 Spain notified the Commission that it wished to put up for sale for export to the Soviet Union 500 000 tonnes of barley held by its intervention agency; whereas it is possible to accede to that request;

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

The Spanish intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 500 000 tonnes of barley held by it.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 249, 12. 9. 1990, p. 8.

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of barley to be exported to the Soviet Union.

2. The regions in which the 500 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until 31 May 1991.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates under Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. The time limit for submission of tenders under the first partial invitation to tender shall expire on 6 February 1991 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 1 p.m. (Brussels time).

3. The last partial invitation to tender shall expire on 20 March 1991.

4. The tenders shall be lodged with the Spanish intervention agency.

Article 5

The Spanish intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II to this Regulation.

Article 6

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

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Place of storage	Quantity (tonnes)
Alava	6 000
Albacete	20 000
Avila	5 000
Burgos	100 000
Ciudad Real	20 000
Cuenca	32 000
Guadalajara	15 000
Huesca	15 000
Lerida	10 000
Navarra	25 000
Palencia	90 000
Rioja	7 000
Soria	60 000
Valladolid	50 000
Teruel	10 000
Zaragoza	35 000

ANNEX II

Standing invitation to tender for the export of 500 000 tonnes of barley held by the Spanish intervention agency

(Regulation (EEC) No 182/91)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (⁽¹⁾)	Price increases (+) or reductions (—) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(⁽¹⁾) This price includes the increases or reductions relating to the lot to which the tender refers.

COMMISSION REGULATION (EEC) No 183/91

of 25 January 1991

laying down definitive measures on the issuing of STM licences for milk and milk products as regards Spain

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 85 (3) thereof,

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

Whereas the Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 3881/90⁽⁴⁾, fixes the indicative ceiling for imports into Spain of certain products in the milk and milk products sector for 1990;

Whereas application for STM licences lodged in the week 24 to 29 September 1990 for categories of cheese 5 and 6, in the week 8 to 12 October 1990 for category of cheese 3 and in the week 19 to 24 November 1990 for category of cheese 4 cover quantities exceeding that fraction of the indicative ceiling applicable for the fourth quarter of 1990;

Whereas the Commission accordingly adopted by an emergency procedure appropriate interim protection measures by Regulation (EEC) No 2892/90⁽⁵⁾, (EEC) No

3000/90⁽⁶⁾ and (EEC) No 3442/90⁽⁷⁾; whereas definitive measures must be adopted; whereas in view of the situation of the market in Spain, an increase in the indicative ceiling could not be contemplated;

Whereas, as a definitive measure as mentioned in Article 85 (3) of the Act, suspension of the issuing of STM licences provided for in Articles 1 (2) of Regulations (EEC) No 2892/90, (EEC) No 3000/90 and (EEC) No 3442/90 should be confirmed until the end of the fourth quarter of 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

The issuing of STM licences for products in the milk and milk products sector, as referred to in Regulations (EEC) No 2892/90, (EEC) No 3000/90 and (EEC) No 3442/90, is hereby definitively suspended.

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, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 367, 29. 12. 1990, p. 124.

⁽⁵⁾ OJ No L 276, 6. 10. 1990, p. 30.

⁽⁶⁾ OJ No L 286, 18. 10. 1990, p. 24.

⁽⁷⁾ OJ No L 333, 30. 11. 1990, p. 19.

COMMISSION REGULATION (EEC) No 184/91

of 25 January 1991

laying down certain additional detailed rules for the application of the supplementary trade mechanism (STM) to trade in fruit and vegetable between Spain and the Community as constituted on 31 December 1985 as regards tomatoes, lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables ⁽¹⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89 ⁽²⁾ establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas tomatoes, lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries are included in the list;

Whereas Commission Regulation (EEC) No 3944/89 ⁽³⁾, as amended by Regulation (EEC) No 245/90 ⁽⁴⁾, lays down detailed rules for applying the supplementary trade mechanism, hereinafter called the 'STM', to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 3685/90 ⁽⁵⁾ lays down that the periods referred to in Article 2 of Regulation (EEC) No 3210/89 shall be up to 3 February 1991 for the above products excepting carrots and strawberries; whereas, in view of expected exports from Spain to the rest of the Community, with the exception of Portugal, and of the Community market situation, the above periods should be fixed at up to 24 March 1991 for the products in question, in accordance with the Annex;

Whereas it should be recalled that the provisions of Regulation (EEC) No 3944/89 on statistical monitoring and

various communications from the Member States apply to guarantee the functioning of the STM;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tomatoes falling within CN code 0702 00 10, cabbage lettuce falling within CN code 0705 11 90, lettuce other than cabbage lettuce falling within CN code 0705 19 00, broad-leaf endives falling within CN code ex 0705 29 00, carrots falling within CN code ex 0706 10 00, artichokes falling within CN code 0709 10 00, table grapes falling within CN code 0806 10 15, melons falling within CN code 0807 10 90 and strawberries falling within CN code 0810 10 90, the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex.

Article 2

For consignments from Spain to the rest of the Community market with the exception of Portugal of the products listed in Article 1, the provisions of Regulation (EEC) No 3944/89 shall apply.

However, the notification referred to in Article 2 (2) of the said Regulation shall be made each Tuesday at the latest for the quantities consigned during the preceding week.

The communications referred to in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 shall be made once a month by the fifth of each month at the latest for information referring to the previous month; where appropriate, this communication shall bear the word 'nil'.

Article 3

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

It shall apply from 4 February 1991.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽³⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁴⁾ OJ No L 27, 31. 1. 1990, p. 14.

⁽⁵⁾ OJ No L 357, 20. 12. 1990, p. 20.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89

(Period from 4 February to 24 March 1991)

Description	CN code	Period
Tomatoes	0702 00 10	I
Cabbage lettuce	0705 11 90	I
Lettuce other than cabbage lettuce	0705 19 00	I
Broad-leaf endives	ex 0705 29 00	I
Carrots	ex 0706 10 00	I
Artichokes	0709 10 00	I
Table grapes	0806 10 15	I
Melons	0807 10 90	I
Strawberries	0810 10 90	I

COMMISSION REGULATION (EEC) No 185/91
of 25 January 1991
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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

- in the case of currencies which are maintained in relation to each other at any 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 Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1991.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1991 fixing the export refunds on rice and broken rice

Product code	Destination (1)	(ECU/tonne) Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	213,02
1006 20 15 000	01	213,02
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	213,02
1006 20 96 000	01	213,02
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	213,02
1006 30 25 000	01	213,02
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	213,02
1006 30 46 000	01	213,02
1006 30 48 000	—	—
1006 30 61 000	—	—
1006 30 63 100	01	266,28
	03	272,28
	05	272,28
	06	277,28
	07	277,28
	08	272,28
	09	272,28
	10	277,28
	11	277,28
	12	277,28
	13	266,28
	14	277,28
	01	266,28
	13	266,28
1006 30 65 100	01	266,28
	03	272,28
	05	272,28
	06	277,28
	07	277,28
	08	272,28
	09	272,28
	10	277,28
	11	277,28
	12	277,28
	13	266,28
	14	277,28
	01	266,28
	13	266,28
1006 30 65 900	—	—
1006 30 67 100	—	—
1006 30 67 900	—	—
1006 30 92 000	—	—

(ECU/tonne)

Product code	Destination (1)	Amount of refunds
1006 30 94 100	01	266,28
	03	272,28
	05	272,28
	06	277,28
	07	277,28
	08	272,28
	09	272,28
	10	277,28
	11	277,28
	12	277,28
	13	266,28
	14	277,28
1006 30 94 900	01	266,28
	13	266,28
	15	—
1006 30 96 100	01	266,28
	03	272,28
	05	272,28
	06	277,28
	07	277,28
	08	272,28
	09	272,28
	10	277,28
	11	277,28
	12	277,28
	13	266,28
	14	277,28
1006 30 96 900	01	266,28
	13	266,28
	15	—
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie,
- 03 Zone I,
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of zone I,
- 05 Zone II b),
- 06 Zone IV a),
- 07 Zone IV b),
- 08 Zone VI,
- 09 Canary Islands, Ceuta and Melilla,
- 10 Zone V a),
- 11 Zone VII c),
- 12 Canada,
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 14 Zone VIII, except Surinam, Guyana and Madagascar,
- 15 Zones I, II, III, IV, V, VI and VIII, except Surinam, Guyana and Madagascar.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 3049/89 (JO No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 186/91

of 25 January 1991

fixing the corrective amount applicable to the refund on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 the second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence ;

Whereas Commission Regulation No 474/67/EEC⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice ;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne ; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne ;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76 ; whereas the cif forward delivery price is that determined in accor-

dance with Article 3 (2) of Council Regulation (EEC) No 1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation ;

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

— in the case of currencies which are maintained in relation to each other at any 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 Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,

— 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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto ;

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

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1991.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1991 fixing the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (1)	Current 2	1st period 3	2nd period 4	3rd period 5
1006 20 11 000	—	—	—	—	—
1006 20 13 000	01	0	0	0	0
1006 20 15 000	01	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	—	—	—	—	—
1006 20 94 000	01	0	0	0	0
1006 20 96 000	01	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	—	—	—	—	—
1006 30 23 000	01	0	0	0	0
1006 30 25 000	01	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	—	—	—	—	—
1006 30 44 000	01	0	0	0	0
1006 30 46 000	01	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 000	—	—	—	—	—
1006 30 63 100	01	0	0	0	0
	03	0	0	0	0
	05	0	0	0	0
	06	0	0	0	0
	07	0	0	0	0
	08	0	0	0	0
	09	0	0	0	0
	10	0	0	0	0
	11	0	0	0	0
	12	0	0	0	0
	13	0	0	0	0
	14	0	0	0	0
1006 30 63 900	01	0	0	0	0
	13	0	0	0	0
1006 30 65 100	01	0	0	0	0
	03	0	0	0	0
	05	0	0	0	0
	06	0	0	0	0
	07	0	0	0	0
	08	0	0	0	0
	09	0	0	0	0
	10	0	0	0	0
	11	0	0	0	0
	12	0	0	0	0
	13	0	0	0	0
	14	0	0	0	0
1006 30 65 900	01	0	0	0	0
	13	0	0	0	0

(ECU/tonne)

Product code	Destination (¹)	Current 2	1st period 3	2nd period 4	3rd period 5
1006 30 67 100		—	—	—	—
1006 30 67 900		—	—	—	—
1006 30 92 000		—	—	—	—
1006 30 94 100	01	0	0	0	0
	03	0	0	0	0
	05	0	0	0	0
	06	0	0	0	0
	07	0	0	0	0
	08	0	0	0	0
	09	0	0	0	0
	10	0	0	0	0
	11	0	0	0	0
	12	0	0	0	0
	13	0	0	0	0
	14	0	0	0	0
1006 30 94 900	01	0	0	0	0
	13	0	0	0	0
	15	0	0	0	0
1006 30 96 100	01	0	0	0	0
	03	0	0	0	0
	05	0	0	0	0
	06	0	0	0	0
	07	0	0	0	0
	08	0	0	0	0
	09	0	0	0	0
	10	0	0	0	0
	11	0	0	0	0
	12	0	0	0	0
	13	0	0	0	0
	14	0	0	0	0
1006 30 96 900	01	0	0	0	0
	13	0	0	0	0
	15	0	0	0	0
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(¹) The destinations are identified as follows :

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie,
- 03 Zone I,
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of zone I,
- 05 Zone II b),
- 06 Zone IV a),
- 07 Zone IV b),
- 08 Zone VI,
- 09 Canary Islands, Ceuta and Melilla,
- 10 Zone V a),
- 11 Zone VII c),
- 12 Canada,
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 14 Zone VIII, except Surinam, Guyana and Madagascar,
- 15 Zones I, II, III, IV, V, VI and VIII, except Surinam, Guyana and Madagascar.

NB : The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 3049/89 (JO No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 187/91**of 25 January 1991****fixing the import levies on live cattle and on beef and veal other than frozen**

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

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 3577/90 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on live cattle and on beef and
veal other than frozen were fixed by Commission Regula-
tion (EEC) No 3861/90 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3861/90 to the quota-
tions and other 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 on live cattle and on beef and veal
other than frozen shall be as specified in the Annex
hereto.

Article 2

This Regulation shall enter into force on 4 February 1991.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 60.

ANNEX

to the Commission Regulation of 25 January 1991 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	23,829	(¹) 124,192
0102 90 31	21,788	(¹) 23,829	(¹) 124,192
0102 90 33	—	23,829	(¹) 124,192
0102 90 35	21,788	23,829	(¹) 124,192
0102 90 37	21,788	23,829	(¹) 124,192
— Net weight —			
0201 10 10	—	45,276	(¹) 235,964
0201 10 90	41,397	45,276	(¹) 235,964
0201 20 21	—	45,276	(¹) 235,964
0201 20 29	41,397	45,276	(¹) 235,964
0201 20 31	—	36,221	(¹) 188,771
0201 20 39	33,118	36,221	(¹) 188,771
0201 20 51	49,677	54,331	(¹) 283,157
0201 20 59	49,677	54,331	(¹) 283,157
0201 20 90	—	67,914	(¹) 353,946
0201 30 00	—	77,684	(¹) 404,864
0206 10 95	—	77,684	(¹) 404,864
0210 20 10	—	67,914	353,946
0210 20 90	—	77,684	404,864
0210 90 41	—	77,684	404,864
0210 90 90	—	77,684	404,864
1602 50 10	—	77,684	404,864
1602 90 61	—	77,684	404,864

(¹) In accordance with Regulation (EEC) No 715/90, 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.

(²) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 188/91
of 25 January 1991
fixing the import levies on frozen beef and veal

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

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal ⁽¹⁾, as last amended by Regulation (EEC)
No 3577/90 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on frozen beef and veal were
fixed by Commission Regulation (EEC) No 3862/90 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3862/90 to the quota-
tions and other information known to the Commission

that the levies should be altered to the amounts set out in
the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February 1991.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 64.

ANNEX

to the Commission Regulation of 25 January 1991 fixing the import levies on frozen beef and veal ⁽¹⁾

<i>(ECU/100 kg)</i>	
CN code	Levy
	— Net weight —
0202 10 00	(¹) 208,791
0202 20 10	(¹) 208,791
0202 20 30	(¹) 167,033
0202 20 50	(¹) 260,989
0202 20 90	(¹) 313,187
0202 30 10	(¹) 260,989
0202 30 50	(¹) 260,989
0202 30 90	(¹) 359,121
0206 29 91	(¹) 359,121

(¹) In accordance with Regulation (EEC) No 715/90, 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.

COMMISSION REGULATION (EEC) No 189/91

of 25 January 1991

laying down special measures derogating from Regulation (EEC) No 3665/87 in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 18 (6) thereof,

Whereas Council Regulation (EEC) No 565/80 ⁽³⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁴⁾, lays down general rules for the advance payment of export refunds on agricultural products;

Whereas Commission Regulation (EEC) No 3665/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 1615/90 ⁽⁶⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products;

Whereas under Council Regulation (EEC) No 2340/90 ⁽⁷⁾, as amended by Regulation (EEC) No 3155/90 ⁽⁸⁾, measures were adopted preventing trade by the Community as regards Iraq and Kuwait; whereas, moreover, the health measures taken by the authorities of certain third countries, following the appearance of bovine spongiform encephalopathy (BSE), *vis-a-vis* Community exports of beef and veal had serious economic consequences for Community exporters; whereas as a consequence export opportunities were seriously affected under the conditions laid down by Regulations (EEC) No 565/80 and (EEC) No 3665/87;

Whereas it has proved necessary accordingly to mitigate those prejudicial effects by adopting special measures to extend certain time limits laid down by the rules applicable to refunds; whereas such measures must be limited, in particular with regard to their duration, to that which is strictly necessary for the regularisation of export operations which could not be carried out as a result of the circumstances described;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the products listed in Article 1 of Regulation (EEC) No 805/68, which, at 8 August 1990 at the latest, were subject to the provisions of Articles 4 and 5 of Regulation (EEC) No 565/80, the periods specified in Article 27 (5) and Article 28 (5) of Regulation (EEC) No 3665/87 shall, subject to compliance with the conditions set out in paragraph 2, be extended until 31 January 1991, where products could not be exported from the Community to a given country or imported into that country of destination as a result of the following circumstances:

- application by the authorities of the third country of destination of health measures, taken as a result of diseases consequent upon BSE, prohibiting the importation of beef and veal from certain countries of the Community;
- application of the measures laid down in Regulation (EEC) No 2340/90.

2. The time-limit extension provided for in paragraph 1 shall be granted where the exporters concerned can furnish proof, to the satisfaction of the competent authorities, that they have not undertaken export operations for the following reasons or in the following circumstances:

- (a) where prohibitory health measures have been adopted by the authorities of the country of destination or where the date of application of such measures occurs after the conclusion of the product delivery contract but before the completion of the customs export formalities;
- (b) where the export operations could not be carried out as a result of the embargo in force from 7 August 1990.

Article 2

Insofar as the products referred to in Article 1 are covered by an export declaration, in accordance with Article 30 of Regulation (EEC) No 3665/87, but could not, before the publication of this Regulation, as a result of one of the situations mentioned in Article 1 of this Regulation, be exported within the time limit laid down in Article 32 of Regulation (EEC) No 3665/87, the competent authorities may, at the request of the exporter:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 62, 7. 3. 1980, p. 5.
⁽⁴⁾ OJ No L 199, 22. 7. 1983, p. 12.
⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.
⁽⁶⁾ OJ No L 152, 16. 6. 1990, p. 33.
⁽⁷⁾ OJ No L 213, 9. 8. 1990, p. 1.
⁽⁸⁾ OJ No L 304, 1. 11. 1990, p. 1.

- cancel the export declaration, and
- authorize the products to be placed back under the customs procedure under which they were covered before being declared for export. In that case, the products shall be considered as no longer under the customs procedure to which they were previously subject and shall be covered under the terms of Article 1 of this Regulation.

Article 3

For products covered by the terms of Article 1 and for which, by reason of the circumstances referred to in that

Article, an export declaration was not lodged before 31 January 1991, the exporter shall reimburse the refund paid in advance and the securities lodged shall be released.

Article 4

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, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 190/91**of 25 January 1991****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat ⁽¹⁾, as amended by
Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the
Article 10 thereof,

Whereas the import levies on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat were
fixed by Commission Regulation (EEC) No 3766/90 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3766/90 to the quota-
tions and other 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 on live sheep and goats and on sheep-
meat and goatmeat other than frozen meat shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February 1991.

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

Done at Brussels, 25 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 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 360, 22. 12. 1990, p. 58.

ANNEX

to the Commission Regulation of 25 January 1991 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 5 from 4 to 10 February 1991	Week No 6 from 11 to 17 February 1991	Week No 7 from 18 to 24 February 1991	Week No 8 from 25 February to 3 March 1991
0104 10 90 ⁽¹⁾	105,665	108,782	110,530	111,785
0104 20 90 ⁽¹⁾	105,665	108,782	110,530	111,785
0204 10 00 ⁽²⁾	224,820	231,450	235,170	237,840
0204 21 00 ⁽²⁾	224,820	231,450	235,170	237,840
0204 22 10 ⁽²⁾	157,374	162,015	164,619	166,488
0204 22 30 ⁽²⁾	247,302	254,595	258,687	261,624
0204 22 50 ⁽²⁾	292,266	300,885	305,721	309,192
0204 22 90 ⁽²⁾	292,266	300,885	305,721	309,192
0204 23 00 ⁽²⁾	409,172	421,239	428,009	432,869
0204 50 11 ⁽²⁾	224,820	231,450	235,170	237,840
0204 50 13 ⁽²⁾	157,374	162,015	164,619	166,488
0204 50 15 ⁽²⁾	247,302	254,595	258,687	261,624
0204 50 19 ⁽²⁾	292,266	300,885	305,721	309,192
0204 50 31 ⁽²⁾	292,266	300,885	305,721	309,192
0204 50 39 ⁽²⁾	409,172	421,239	428,009	432,869
0210 90 11 ⁽³⁾	292,266	300,885	305,721	309,192
0210 90 19 ⁽³⁾	409,172	421,239	428,009	432,869

⁽¹⁾ The levy applicable is limited in the conditions laid down by Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 1373/90 and Commission Regulations (EEC) No 19/82, (EEC) No 1249/90, (EEC) No 1580/90 and (EEC) No 2085/90.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 191/91
of 25 January 1991
fixing the import levies on frozen sheepmeat and goatmeat

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3767/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3767/90 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 February 1991.

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

Done at Brussels, 25 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 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 360, 22. 12. 1990, p. 61.

ANNEX

to the Commission Regulation of 25 January 1991 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾

(ECU/100 kg)

CN code	Week No 5 from 4 to 10 February 1991	Week No 6 from 11 to 17 February 1991	Week No 7 from 18 to 24 February 1991	Week No 8 from 25 February to 3 March 1991
0204 30 00	215,115	220,088	222,878	224,880
0204 41 00	215,115	220,088	222,878	224,880
0204 42 10	150,581	154,062	156,015	157,416
0204 42 30	236,627	242,097	245,166	247,368
0204 42 50	279,650	286,114	289,741	292,344
0204 42 90	279,650	286,114	289,741	292,344
0204 43 00	391,509	400,560	405,638	409,282
0204 50 51	215,115	220,088	222,878	224,880
0204 50 53	150,581	154,062	156,015	157,416
0204 50 55	236,627	242,097	245,166	247,368
0204 50 59	279,650	286,114	289,741	292,344
0204 50 71	279,650	286,114	289,741	292,344
0204 50 79	391,509	400,560	405,638	409,282

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

COMMISSION REGULATION (EEC) No 192/91

of 25 January 1991

on the issue of import licences on 30 January 1991 for 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⁾, as amended by Regulation (CEE) No 3577/90⁽²⁾,

Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986⁽³⁾, as last amended by Regulation (EEC) No 3939/87⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 3653/85⁽⁵⁾, as last amended by Regulation (EEC) No 1645/89⁽⁶⁾, laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3643/85; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 3653/85, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the first quarter of 1991;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 3653/85, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence

applications have been lodged do not exceed the quantities provided for in Regulation (EEC) No 3653/85,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, on 30 January 1991, issue the import licences provided for in Regulation (EEC) No 3653/85 and applied for from 1 to 10 January 1991 subject to the following conditions:

- (a) for products falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31 and 0204 50 39, the quantities applied for, originating in other non-member countries, shall be granted in full;
- (b) for products falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79, the quantities applied for originating:
 - in Chile, shall be granted in full,
 - in other non-member countries, shall be granted in full;
- (c) for products falling within CN codes 0104 10 90 and 0104 20 90, the quantities applied for, originating in other non-member countries, shall be reduced by 98,846 %.

Article 2

This Regulation shall enter into force on 30 January 1991.

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

Done at Brussels, 25 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 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 348, 24. 12. 1985, p. 21.

⁽⁶⁾ OJ No L 162, 13. 6. 1989, p. 21.

COMMISSION REGULATION (EEC) No 193/91

of 25 January 1991

fixing the maximum buying-in price and the quantities of beef bought in for the
38th partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 2271/90 ⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EEC) No 27/91 ⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted;

Whereas, after the tenders submitted for the 38th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

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

Whereas, moreover, since the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 are met in respect of certain Member States or regions of Member States and certain quality groups, all

the tenders relating thereto which do not exceed 80 % of the intervention price should be accepted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 38th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 270 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 1 395 tonnes; the quantities are hereby reduced by 50 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

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

- the maximum buying-in price is hereby fixed at ECU 270 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 1 383 tonnes; the quantities are hereby reduced by 50 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

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

- the maximum buying-in price is hereby fixed at ECU 274,4 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 70 101

Article 2

This Regulation shall enter into force on 26 January 1991.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 204, 2. 8. 1990, p. 45.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 3, 5. 1. 1991, p. 15.

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

Done at Brussels, 25 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 194/91

of 25 January 1991

altering the import levies on products processed from cereals and 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 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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3848/90⁽⁷⁾, as last amended by Regulation (EEC) No 175/91⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

- ⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
- ⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
- ⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
- ⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.
- ⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
- ⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.
- ⁽⁷⁾ OJ No L 367, 29. 12. 1990, p. 22.
- ⁽⁸⁾ OJ No L 19, 25. 1. 1991, p. 19.
- ⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.
- ⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 24 January 1991;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 3848/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 26 January 1991.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 25 January 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1991 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) ^(*)
1103 21 00	349,60	355,64
1104 19 10	349,60	355,64
1104 29 11	258,31	261,33
1104 29 31	310,75	313,77
1104 29 91	198,10	201,12
1104 30 10	145,67	151,71
1107 10 11	345,71	356,59
1107 10 19	258,31	269,19
1108 11 00	427,28	447,83
1109 00 00	776,88	958,22

^(*) 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 195/91**of 25 January 1991****altering the export refunds 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 the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 176/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 176/91 to the information known to the Commission that the

export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 176/91 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 26 January 1991.

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

Done at Brussels, 25 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 19, 25. 1. 1991, p. 21.

ANNEX

to the Commission Regulation of 25 January 1991 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU / tonne)		
Product code	Destination (°)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	140,00
	06	50,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	100,00
	05	100,00
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	07	87,00
	02	0
1003 00 90 000	04	87,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	158,00
1101 00 00 130	01	139,00
1101 00 00 150	01	129,00
1101 00 00 170	01	119,00
1101 00 00 180	01	107,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	158,00
1102 10 00 900	—	—
1103 11 10 100	01	236,00
1103 11 10 200	01	223,00
1103 11 10 500	01	199,00
1103 11 10 900	01	188,00
1103 11 90 100	01	158,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 The Soviet Union,
- 07 Poland.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 December 1990

relating to a proceeding under Article 85 of the EEC Treaty

(IV/32.595 — D'Ieteren motor oils)

(Only the French and Dutch texts are authentic)

(91/39/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 2 thereof,

Having regard to the notification and application for negative clearance submitted on 12 February 1988 by SA D'Ieteren NV,

Having regard to the summary of the notification and application published ⁽²⁾ pursuant to Article 19 (3) of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

- (1) The notification and application concerns a circular letter (hereinafter called 'the circular') sent by SA d'Ieteren NV to its authorized vehicle dealers on 14 December 1987. The circular, which was sent within the context of a standard-form agreement concluded with each of the dealers in question, contains instructions to use only certain motor oils,

when servicing or repairing Volkswagen or Audi vehicles.

- (2) SA D'Ieteren NV, Brussels, Belgium ('D'Ieteren') is the exclusive, contractual importer for Belgium of vehicles made by Volkswagen AG, Wolfsburg, Germany ('Volkswagen'). D'Ieteren re-sells some of those vehicles, which are of the Volkswagen and Audi marques, to the final user through its own retail establishments; it also supplies a number of dealers, with each of whom it has a long-term dealer agreement ('the dealer agreement') of the kind described by Commission Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85 (3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements ⁽³⁾. The dealer agreement

— defines the territory in which the dealer receives the exclusivity of supply of the vehicles concerned (and of parts therefor) for the purpose of resale; and

— imposes certain restrictions on the sale by the dealer of competing products, and minimum standards for facilities to be available, guarantee and other services to be provided, etc., including minimum standards which relate to the repair and maintenance of contract products, particularly as concerns the safe and reliable functioning of motor vehicles.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 119, 13. 5. 1989, p. 14.

⁽³⁾ OJ No L 15, 18. 1. 1985, p. 16.

- (3) The circular incorporates the terms of recommendations published by Volkswagen to its importers and dealers and to vehicle users. It reads as follows :

'We have opted so far for motor oils which meet the VW 500.00 and VW 505.00 standards and we maintain that position until further notice' (1).

The prices of servicing and of the long-term servicing contracts are set on the basis of those standards.

That said, it is true that the VW-Audi factory also allows the VW 501.01 standard. This is found in various technical notices that you have received and will in future receive, and also in the users' handbooks for the vehicles of our marques. Accordingly, we cannot reproach a customer for using a VW 501.01 oil. However, we draw your attention to the fact that these oils do not have all the characteristics of super-lubricants meeting the VW 500.00 and 505.00 standards and that not all of them are suitable for turbo-diesels.

If some of you nevertheless want to use oils meeting the VW 501.01 standard, you will then have to reduce the 'servicing' price-lists, because these oils are sold considerably more cheaply than the oils that we recommend.

[...](2)

The quality of the oil plays a determining role in the reliability of engines ; we count on the sense of responsibility of everyone to respect the recommendations in this area.'

- (4) The Volkswagen standards referred to in the circular lay down values of an objective nature for the content (e.g. minimum or maximum percentage by volume of certain elements) and performance (e.g. shelf-life, viscosity and shear-resistance) of the oil, and also methods whereby compliance with these values shall be measured. The three standards correspond to the different types of use to be expected ; for example, the VW 505.00 standard relates to the specific requirements of high-performance turbo-diesel engines.

The circular does not prevent the dealers concerned from

- buying or stocking oils not meeting the 'VW' standards ;
- selling the same to any customer ;
- or
- using the same when servicing or repairing vehicles other than Volkswagen or Audi.

- (5) Any manufacturer or supplier of motor oils may obtain detailed specifications of these standards from Volkswagen, submit samples or test data to Volkswagen for approval and, if approval is given, cite the standard achieved on the container in which the oil is offered for sale and in publicity for the oil. In practice, a large number of manufacturers and suppliers, of all sizes, offers oils meeting the VW standards. For example, some 260 oils, sold under 145 brands, meet both the VW 500.00 and the VW 505.00 standards ; the total number meeting one or more of the three VW standards is much greater. These oils are produced in many Member States and elsewhere, and are freely traded into and within the Community. In Belgium, as elsewhere in the Community, oils meeting the VW standards are available from a wide range of sources such as specialist wholesalers, the makers' own representatives or distribution services, service-stations and retailers and supermarkets.
- (6) Neither Volkswagen nor D'Ieteren manufacturers, procures the manufacture of, or deals in, motor oils. All vehicle manufacturers give indications to their dealers concerning the use of motor oils. Some vehicle manufacturers or importers either make and distribute motor oils or have arrangements of various kinds with oil manufacturers to distribute or promote the latter's oils. In this case, there is no agreement between the vehicle manufacturer and any lubricant supplier obliging the former to encourage or require its dealers to sell only the latter's lubricants.
- (7) Volkswagen has established in every country in Western Europe, including the whole territory of the common market, a network of selective and restrictive distribution agreements similar to the dealer agreement considered here. These agreements contain provisions of the kind referred to at point 2 and also give indications concerning the use of motor oils.
- (8) The dealer agreements (as distinct from the circular) are not the subject of an application or notification to the Commission pursuant to Article 2 or 4 of Regulation No 17. However, Volkswagen, D'Ieteren and Volkswagen's other importers in the common market have made the communication

(1) Emphasis in the original.

(2) A paragraph concerning the use of additives (products intended to be mixed with the oil in the engine, gearbox, etc. of a vehicle), subsequently substantially modified by a further circular, is not considered in this proceeding and is omitted here.

envisaged in Articles 8 and 9 of Regulation (EEC) No 123/85, to the effect that the various agreements that form Volkswagen's distribution system have been adapted to the conditions for exemption set out in that Regulation.

- (9) In response to the publication pursuant to Article 19 (3) of Regulation No 17, the Commission received no observations concerning the circular's recommendations for motor oils. On the other hand observations were received concerning the circular's original provisions for additives⁽¹⁾. A number of suppliers of such additives considered that the circular effectively prohibited the use of those products when servicing or repairing Volkswagen or Audi vehicles, contrary to Article 85 (1) of the Treaty. However, the paragraph of the circular in question was effectively withdrawn by a further circular to D'Ieteren's dealers dated 22 June 1989, which expressly stated that D'Ieteren did not prohibit the use of additives but abstained from recommending them. Consequently, the circular's provisions concerning additives are not considered in this proceeding.

II. LEGAL ASSESSMENT

- (10) The circular's recommendations concerning motor oils are not contrary to Article 85 (1) and even if they were, they would be compatible with the provisions of Regulation (EEC) No 123/85.
- (11) The circular concerned in this proceeding must be evaluated in the context of the selective and exclusive distribution system established by the dealer agreements. It strongly recommends to D'Ieteren's authorized dealers, for the servicing or repair of Volkswagen or Audi vehicles:

- to use only oils which meet standards laid down by Volkswagen,
- and
- to pass on to consumers the benefit of the lower prices of certain of those oils.

The strong recommendation contained in the circular creates *de facto* an economic obligation of the dealer to conform to those recommendations, for two reasons. First, damage caused by the use of other oils is not covered by Volkswagen's warranty. Dealers have a clear interest in precluding possible claims from customers which may well outweigh any advantage which might be gained from the use

of, for example, a cheaper oil. Secondly, the dealer agreements contain provisions obliging the dealer to observe minimum standards which relate to the repair and maintenance of the contract products, particularly as concerns the safe and reliable functioning of motor vehicles, and to take notice of technical information supplied from time to time by D'Ieteren. Failure to observe the minimum standards can be a cause for termination of the agreement, and the circular must be considered as an instruction to each dealer, the observance of which is or may be a condition for the continuation of the supplier/dealer relationship. It is, therefore, tantamount to a condition of the dealer agreement.

The recommendation not to charge, for an oil approved by Volkswagen, the same resale price as for another oil of higher quality that may also be used (see point 3), prevents misinformation of the consumer and is not the subject of the competition rules.

- (12) There is reason to consider that the recommendations described above as conditions of the exclusive and selective distribution system do not lead to a distortion or a restriction of competition within the meaning of Article 85 (1). They are based on objective criteria of a technical nature (see (4)) and are applied without undue discrimination, and they have no quantitative or other restrictive objects or effects incompatible with Article 85 (1). Furthermore, the recommendations are not influenced by any commercial interest on the part of D'Ieteren or of Volkswagen in the distribution of oil (see (6)). However, even if they or either of them did distribute oils meeting the VW standards in competition with other suppliers, the mere fact of imposing objective quality standards would not, of itself, amount to a restriction of competition within the meaning of Article 85 (1).

- (13) Even if the recommendations in the circular were contrary to Article 85 (1), their compatibility with the provisions of Regulation (EEC) No 123/85 results from Article 4 (1) (i) (e) of the latter, which provides that the exemption shall apply notwithstanding any obligation imposed on the dealer to:

'(1) observe, for distribution and servicing, minimum standards which relate in particular to:

...

- (e) the repair and maintenance of contract goods and corresponding goods, particularly as concerns the safe and reliable functioning of motor vehicles; ...'

⁽¹⁾ See footnote ⁽²⁾ on page 43 of this Official Journal.

Moreover, the principle of minimum quality standards laid down by the vehicle manufacturer is also adopted by Article 3 (4) of that Regulation, by which an obligation on the dealer not to sell or use spare parts that do not match the quality of the contract goods is declared also to be compatible with the exemption. The rationale of both these provisions thus supports the conclusion that the provisions of the circular do not jeopardize the exemption granted for the dealer agreements by Regulation (EEC) No 123/85.

The compatibility of the circular with the Regulation also follows from Article 4 (2) of the latter, which provides that the exemption granted shall also apply where exclusive and selective distribution is combined with obligations referred to in Article 4 (1) and such obligations fall in individual cases under the prohibition contained in Article 85 (1) of the Treaty. Accordingly, even if, by reason of special circumstances, the circular were considered to be caught by Article 85 (1), there would be no need to repeat, by individual decision, the exemption granted by the Regulation.

HAS ADOPTED THIS DECISION :

Article 1

On the basis of the facts in its possession the Commission considers that the circular letter concerning motor oils notified by SA D'Ieteren NV on 12 February 1988, as amended by circular letter of 22 June 1989, does not fulfil the conditions for application of Article 85 (1) of the EEC Treaty.

Article 2

This Decision is addressed to SA D'Ieteren NV, rue du Mail 50, B-1050 Brussels.

Done at Brussels, 19 December 1990.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 20 December 1990

amending Decision 88/222/EEC recognizing certain Member States or regions of certain Member States as being free from *Quadraspidiotus perniciosus* (San José Scale)

(91/40/EEC)

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

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Commission Directive 91/271/EEC⁽²⁾, and in particular Annex III, part B (8) and Annex IV, part A (14a), (2) second indent thereof,

Whereas under the provisions of Directive 77/93/EEC from 16 April to 30 September, in the case of origin in the Northern Hemisphere, and from 16 October to 31 March, in the case of origin in the Southern Hemisphere, plants of certain genera, other than fruit, seeds and parts of plants used for decoration, originating in or coming from countries or, in the case of certain Member States, regions other than those recognized as being free from *Quadraspidiotus perniciosus* (San José Scale), may not be introduced in certain Member States;

Whereas, under other provisions of the said Directive, plants of the same genera, other than fruit, seeds and parts of plants used for decoration, which originate in or coming from countries where the aforementioned harmful organism is known to occur, may be introduced into the Member States only when they are either subjected to fumigation or other appropriate treatment against that organism, or when they originate in regions recognized as being free from the aforementioned harmful organism;

Whereas by Commission Decision 88/222/EEC⁽³⁾, as last amended by Decision 90/603/EEC⁽⁴⁾, certain Member States or regions of certain Member States were recognized as being free from *Quadraspidiotus perniciosus*;

Whereas it has appeared from official information supplied by the Federal Republic of Germany that the list

of Länder which are free from San José Scale has to be modified, taking into account the situation in respect of the absence of San José Scale in the territory of the former German Democratic Republic;

Whereas it has appeared from official information supplied by the Portuguese Republic that the list of *distritos* which are free from San José Scale has to be modified in this country;

Whereas therefore the list of relevant regions should be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 88/222/EEC is hereby amended in accordance with the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

⁽³⁾ OJ No L 100, 19. 4. 1988, p. 41.

⁽⁴⁾ OJ No L 315, 15. 11. 1990, p. 34.

ANNEX

1. Article 1 (3) is replaced by the following :

'3. In respect of Germany, the Länder :

- Baden-Württemberg, with the exception of the districts :
 - Stadtkreis Baden-Baden,
 - Kreis Breisgau-Hochschwarzwald,
 - Kreis Emmendingen,
 - Stadtkreis Freiburg,
 - Stadt- und Landkreis Karlsruhe,
 - Lörrach,
 - Neckar-Odenwald-Kreis,
 - Rhein-Neckar-Kreis,
 - Ortenaukreis,
 - Kreis Rastatt,
- Bayern,
- Berlin,
- Brandenburg,
- Bremen,
- Hamburg,
- Hessen, with the exception of the districts :
 - Kreis Bergstraße,
 - Stadtkreis Darmstadt,
 - Kreis Darmstadt-Dieburg,
 - Kreis Groß-Gerau,
 - Land- und Stadtkreis Offenbach,
- Mecklenburg-Vorpommern,
- Niedersachsen,
- Nordrhein-Westfalen,
- Rheinland-Pfalz, with the exception of the districts :
 - Kreis Alzey-Worms,
 - Kreis Bad Dürkheim,
 - Kreis Germersheim,
 - Kreis Ludwigshafen am Rhein,
 - Kreis Südliche Weinstraße,
- Saarland,
- Sachsen,
- Sachsen-Anhalt,
- Schleswig-Holstein,
- Thüringen.'

2. Add in Article 1 (10), the following *distritos* :

- Angra do Heroísmo (Região autónoma dos Açores),
 - Horta (Região autónoma dos Açores),
 - Ponta Delgada (Região autónoma dos Açores),
 - Funchal (Região autónoma da Madeira).
-

COMMISSION DECISION

of 20 December 1990

amending Decision 84/248/EEC authorizing the Federal Republic of Germany to adopt, when introducing into its territory plants or plant products, special plant health provisions for home-grown production of certain fruit plants intended for planting

(Only the German text is authentic)

(91/41/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products ⁽¹⁾, as last amended by Commission Directive 21/27/EEC ⁽²⁾, and in particular Article 18 (2) thereof,

Whereas, pursuant to Article 11 (1) of Directive 77/93/EEC, plants, plant products or other objects are not subject, at the time of their introduction into the territory of a Member State from another Member State, to prohibitions or restrictions relating to plant health measures, except where provided for in that Directive;

Whereas, pursuant to Article 18 (2) of the abovementioned Directive, the Member States may be authorized to adopt, when introducing into their territory plants or plant products, special health provisions in so far as such measures are also laid down for home-grown production;

Whereas the Federal Republic of Germany by the *Verordnung zur Bekämpfung von Viruskrankheiten im Obstbau* of 26 July 1978 ⁽³⁾, as last amended by the *Verordnung* of 1 December 1989 ⁽⁴⁾, has introduced special plant health measures for the marketing of certain fruit plants intended for planting;

Whereas by Decision 84/248/EEC ⁽⁵⁾, as last amended by Decision 90/111/EEC ⁽⁶⁾, the Commission authorized the Federal Republic of Germany to apply the measures also to products introduced into its territory from other Member States;

Whereas this authorization was granted on a temporary basis for a period expiring on 31 December 1990, but subject to a possible extension, pending the definition of a Community certification scheme for fruit-plant propagating material;

Whereas the Community certification scheme has not yet been defined; whereas the other circumstances which justified this authorization have not changed;

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

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision 84/248/EEC, '31 December 1990' is hereby replaced by '1 July 1992'.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

⁽³⁾ *Bundesgesetzblatt*, part I, p. 1120.

⁽⁴⁾ *Bundesgesetzblatt*, part I, p. 2105.

⁽⁵⁾ OJ No L 130, 16. 5. 1984, p. 27.

⁽⁶⁾ OJ No L 67, 15. 3. 1990, p. 47.