

Official Journal

of the European Communities

ISSN 0378-6978

L 33

Volume 34

5 February 1991

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 274/91 of 4 February 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 275/91 of 4 February 1991 fixing the premiums to be added to the import levies on cereals, flour and malt	3
★ Commission Regulation (EEC) No 276/91 of 4 February 1991 laying down detailed rules for applying Council Regulation (EEC) No 3918/90 on transfer to Greece of 150 000 tonnes of feed grain held by the German intervention agency	5
Commission Regulation (EEC) No 277/91 of 4 February 1991 fixing the import levies on white sugar and raw sugar	7

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 274/91

of 4 February 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 1 February 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 5 February 1991.

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

Done at Brussels, 4 February 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 4 February 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	(ECU/tonne)	
	Levies	
	Third country	
0709 90 60	140,99	(²) (³)
0712 90 19	140,99	(²) (³)
1001 10 10	202,71	(¹) (³)
1001 10 90	202,71	(¹) (³)
1001 90 91	196,96	
1001 90 99	196,96	
1002 00 00	158,99	(⁴)
1003 00 10	157,08	
1003 00 90	157,08	
1004 00 10	148,72	
1004 00 90	148,72	
1005 10 90	140,99	(²) (³)
1005 90 00	140,99	(²) (³)
1007 00 90	148,49	(⁴)
1008 10 00	68,03	
1008 20 00	130,36	(⁴)
1008 30 00	77,23	(⁵)
1008 90 10	(⁷)	
1008 90 90	77,23	
1101 00 00	289,93	(⁸)
1102 10 00	236,78	(⁸)
1103 11 10	327,43	(⁸)
1103 11 90	311,27	(⁸)

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 275/91

of 4 February 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 1 February 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 5 February 1991.

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

Done at Brussels, 4 February 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 4 February 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	5,29
0712 90 19	0	0	0	5,29
1001 10 10	0	0	0	0,63
1001 10 90	0	0	0	0,63
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	5,29
1005 90 00	0	0	0	5,29
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,16	3,16	3,18
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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 276/91

of 4 February 1991

laying down detailed rules for applying Council Regulation (EEC) No 3918/90 on transfer to Greece of 150 000 tonnes of feed grain held by the German 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⁾,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2048/88⁽⁴⁾,

Having regard to Council Regulation (EEC) No 3918/90 of 21 December 1990 on transfer to Greece of 150 000 tonnes of feed grain held by the German intervention agency⁽⁵⁾, and in particular Article 1 (5) thereof,

Whereas, according to Regulation (EEC) No 3918/90, the German intervention agency is to make available to the Greek intervention agency 150 000 tonnes of feed grain to be transported to designated locations; whereas the detailed rules for applying this measure should be adopted;

Whereas there is a shortage of feed grain in Greece; whereas provision should therefore be made for the quantities of feed grain in question to be transferred to the silos of the Greek intervention agency;

Whereas the Greek intervention agency must be informed quickly of the storage locations of the feed grain to be transferred; whereas this information and the storage locations in Greece must be notified to the Commission in order to enable it, in particular, to assess the cost of the transfer operation;

Whereas a tendering procedure should be organized for the transportation of the feed grain so that it can be carried out as cheaply as possible and rules should be laid down to ensure that the operations are correctly carried out within the time limits laid down;

Whereas the provisions of Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽⁶⁾ and of

Commission Regulation (EEC) No 1722/77 of 28 July 1977 laying down common detailed rules for the application of Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency⁽⁷⁾, as last amended by Regulation (EEC) No 3826/85⁽⁸⁾, are to apply to this transfer operation;

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

1. As provided for in Regulation (EEC) No 3918/90, the German intervention agency shall make 150 000 tonnes of barley available to the Greek intervention agency.
2. The German and Greek intervention agencies shall:
 - (a) agree on the choice of storage locations, places of departure and destination in order to reduce transport costs as much as possible and on the dates of removal of the product in accordance with Article 1 (2) of Regulation (EEC) No 3918/90; the lists of those places shall be forwarded to the Commission immediately;
 - (b) ascertain, on loading in the Federal Republic of Germany and on entry into the storage locations in Greece, the loaded and unloaded weight and, by analysing a representative sample, the quality of the product in question.

Article 2

The Greek intervention agency shall be responsible for the transfer of the product referred to in Article 1 (1) to the silos referred to in Article 3 (1) in the following quantities and at the following intervals:

- at least 30 000 tonnes before 30 March 1991,
- 60 000 tonnes before 15 April 1991,
- the remainder before 1 May 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 375, 31. 12. 1990, p. 13.

⁽⁶⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁷⁾ OJ No L 189, 29. 7. 1977, p. 36.

⁽⁸⁾ OJ No L 371, 31. 12. 1985, p. 1.

Article 3

1. The barley shall be transferred to the silos situated in the ports of Pyreas, Volos, Thessaloniki, Preveza, Souda (Crete), Katakolo, Astakos and Kavala or within a radius of not more than 35 km of each of these ports. The storage places shall be determined by the Greek authorities.
2. The cost of transporting the barley shall be determined by the Greek intervention agency by a tendering procedure. The cost shall include:
 - (a) that of transportation (excluding loading) from the storage location of departure to the storage location of destination (excluding the costs of entry into storage);
 - (b) the cost of insurance covering the buying-in price of the goods as referred to in Article 7 (3) of Regulation (EEC) No 2727/75.
3. The invitation to tender may relate to one or more lots.
4. The Greek intervention agency shall determine the terms and conditions governing the invitation to tender in accordance with the provisions of this Regulation. These must provide in particular for:
 - a written undertaking by the tenderer, endorsed by a recognized credit institution, to lodge a security of ECU 80 per tonne guaranteeing successful completion of the operations covered by the invitation to tender, not later than two working days after receipt of the statement of award of contract,
 - the loss, except in cases of *force majeure*, of an appropriate amount of the security for each day of delay in fulfilment of the obligations arising from the contract. Notwithstanding Article 23 of Commission Regulation (EEC) No 2220/85⁽¹⁾, such amount shall be equal at least to 10 % of the awarded transport costs for the quantities not transported within the prescribed period. It shall be increased by a further 1 % per day of delay from the sixth day of delay.

The principal requirement of the abovementioned security shall be deemed to have been fulfilled on delivery to the place of destination designated by the Greek authorities. Proof thereof shall be furnished within one month of delivery.

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

Done at Brussels, 4 February 1991.

The notices of invitation to tender shall be drawn up by lot and by destination. They shall be published by the Greek authorities not later than five working days before the date of the award referred to in paragraph 5.

5. The awards shall be made on 15 February 1991 at 13.00. For quantities not awarded on 15 February, three further awards shall be made on, if necessary, 20 February, 27 February and 6 March 1991 at 13.00.
6. Tenders submitted to the Greek intervention agency shall be submitted and accepted in drachma.
7. Tenders may be submitted by telex.
8. Tenders shall be valid only if they are accompanied by proof that the tenderer has lodged a security of ECU 5 per tonne. The security shall be released:
 - if the tender is not successful,
 - when the security referred to in Article 3 (4) has been lodged.
9. Contracts shall be awarded by lot and by destination to the tenderer offering the best terms. However, if no tender is in line with normal prices and costs, no award shall be made.

Article 4

The Greek intervention agency shall take delivery of the barley when it is loaded on the means of transport at the storage location of the intervention agency of departure and shall assume responsibility for it from that moment.

The German intervention agency shall inform the Greek intervention agency and the Commission of the quantities of barley actually removed and the dates of removal from each place of removal.

Article 5

The Greek intervention agency shall keep the Commission informed of the progress of the tendering procedure and shall immediately notify the outcome both to the Commission and to the German intervention agency.

Article 6

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

COMMISSION REGULATION (EEC) No 277/91

of 4 February 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 213/91 ⁽⁴⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 1 February 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 February 1991.

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

Done at Brussels, 4 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.⁽⁴⁾ OJ No L 24, 30. 1. 1991, p. 14.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 4 February 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,89 ⁽¹⁾
1701 11 90	40,89 ⁽¹⁾
1701 12 10	40,89 ⁽¹⁾
1701 12 90	40,89 ⁽¹⁾
1701 91 00	45,66
1701 99 10	45,66
1701 99 90	45,66 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.