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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 513/91

of 25 February 1991

laying down general rules for imports of olive oil originating in Tunisia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 4 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia⁽¹⁾, signed on 26 May 1987, provides that for each marketing year during the period between the date of entry into force of the Protocol and 31 December 1990, within the limit of a quantity of 46 000 tonnes per marketing year, a special levy should be charged on untreated olive oil falling within CN code 1509 10 10 or 1509 10 90 wholly obtained in Tunisia and transported direct from that country to the Community;

Whereas the abovementioned provisions were extended until 31 December 1993 pursuant to the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Tunisia laying down the arrangements applicable from 1 January 1991 to imports into the Community of untreated olive oil originating in Tunisia⁽²⁾;

Whereas, in the light of the present situation and outlook as regards supplies of olive oil on the Community market, that quantity can be disposed of without any risk of market disruption, provided that imports are not concentrated within a limited period each year;

Whereas it is advisable to provide that import licences should be issued at a monthly rate to be determined, without this situation being able to jeopardize the offer made by the Community to Tunisia to export the abovementioned quantity of olive oil to the Community;

Whereas, in order to ensure that the quota system is applied correctly, the Commission should be responsible for its administration;

Whereas Spain and Portugal, under Articles 97 and 295 of the Act of Accession, apply, from 1 January 1991, a special levy calculated in accordance with the said provisions to olive oil originating in Tunisia as referred to in

the abovementioned Additional Protocol; whereas measures should therefore be provided for to prevent the olive oil in question from being released for consumption in Spain or Portugal without the corresponding levy being collected; whereas those measures should be specified in the detailed rules for the application of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Untreated olive oil falling within CN code 1509 10 10 or 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the Community, and which qualifies for the special levy referred to in Article 4 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia or for the levy applicable in Spain and Portugal under Articles 97 and 295 of the Act of Accession, shall be imported at a rate to be determined.

Article 2

The Commission shall be responsible for the administration of the imports. It shall authorize Member States to issue import licences, on the basis of the timetable laid down, up to a maximum quantity of 46 000 tonnes per marketing year.

Article 3

The detailed rules for the application of this Regulation, in particular those designed to prevent any deflection of trade, shall be adopted in accordance with the procedure provided for in Article 38 of Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽³⁾, as last amended by Regulation (EEC) No 3577/90⁽⁴⁾.

Article 4

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

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 36.

⁽²⁾ See page 21 of this Official Journal.

⁽³⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽⁴⁾ OJ No L 353, 17. 12. 1990, p. 23.

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

Done at Brussels, 25 February 1991.

For the Council

The President

J.-C. JUNCKER

COMMISSION REGULATION (EEC) No 514/91

of 1 March 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 322/91⁽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 28 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 322/91 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 2 March 1991.

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

Done at Brussels, 1 March 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 38, 12. 2. 1991, p. 1.

ANNEX

to the Commission Regulation of 1 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	140,88 ⁽²⁾ ⁽³⁾
0712 90 19	140,88 ⁽²⁾ ⁽³⁾
1001 10 10	201,42 ⁽¹⁾ ⁽³⁾
1001 10 90	201,42 ⁽¹⁾ ⁽³⁾
1001 90 91	192,10
1001 90 99	192,10
1002 00 00	159,26 ⁽⁴⁾
1003 00 10	157,53
1003 00 90	157,53
1004 00 10	147,90
1004 00 90	147,90
1005 10 90	140,88 ⁽²⁾ ⁽³⁾
1005 90 00	140,88 ⁽²⁾ ⁽³⁾
1007 00 90	148,23 ⁽⁴⁾
1008 10 00	65,60
1008 20 00	143,03 ⁽⁴⁾
1008 30 00	74,88 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	74,88
1101 00 00	283,68 ⁽⁶⁾
1102 10 00	237,33 ⁽⁶⁾
1103 11 10	325,71 ⁽⁶⁾
1103 11 90	304,92 ⁽⁶⁾

⁽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 515/91

of 1 March 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 28 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 2 March 1991.

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

Done at Brussels, 1 March 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 1 March 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	3	4	5	6
0709 90 60	0	3,40	3,40	2,76
0712 90 19	0	3,40	3,40	2,76
1001 10 10	0	0,53	0,53	0,53
1001 10 90	0	0,53	0,53	0,53
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	3,40	3,40	2,76
1005 90 00	0	3,40	3,40	2,76
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	3	4	5	6	7
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 516/91

of 28 February 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3928/90 of 20 December 1990 allocating, for 1991, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen ⁽³⁾, provides for cod quotas for 1991;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES

divisions I and II (Norwegian waters north of 62° N) by vessels flying the flag of France or registered in France have reached the quota allocated for 1991;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1991.

Fishing for cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the above mentioned vessels after the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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, 28 February 1991.

For the Commission

Abel MATUTES

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 46.

COMMISSION REGULATION (EEC) No 517/91
of 1 March 1991

amending Regulation (EEC) No 3507/90 increasing to 500 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 7 (6) thereof,

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

Whereas Commission Regulation (EEC) No 3507/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 369/91 ⁽⁶⁾, opened a standing invitation to tender for the export of 300 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 21 February 1991, Germany informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency, for which a standing invitation to tender for export has been opened, should be increased to 500 000 tonnes;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

'Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of barley to be exported to all third countries.

2. The regions in which the 500 000 tonnes of barley are stored are listed in Annex I hereto.'

Article 2

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

Article 3

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

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

Done at Brussels, 1 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 8.
⁽⁵⁾ OJ No L 338, 5. 12. 1990, p. 15.
⁽⁶⁾ OJ No L 43, 16. 2. 1991, p. 10.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	117 927
Niedersachsen/Bremen	94 283
Nordrhein-Westfalen	97 831
Hessen	17 431
Rheinland-Pfalz	23 601
Baden-Württemberg	16 010
Bayern	132 863'

COMMISSION REGULATION (EEC) No 518/91

of 1 March 1991

opening a standing invitation to tender for the export of 50 000 tonnes of barley
held by the United Kingdom 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 (6) 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 last 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 21 February 1991 the United Kingdom notified the Commission that it wished to put up for sale for export to third countries 50 000 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 United Kingdom intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 50 000 tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 50 000 tonnes of barley to be exported to all third countries.

⁽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.

2. The regions in which the 50 000 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 the end of the third month following.

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. By way of derogation from Article 7 (1) of Regulation (EEC) No 1836/82, the time limit for submission of tenders under the first partial invitation to tender shall expire 6 March 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 29 May 1991.

4. The tenders shall be lodged with the United Kingdom intervention agency.

Article 5

The United Kingdom 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, 1 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
North	10 000
Midlands	20 000
South	20 000

ANNEX II

Standing invitation to tender for the export of 50 000 tonnes of barley held by the United Kingdom intervention agency

(Regulation (EEC) No 518/91)

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 519/91

of 1 March 1991

determining the extent to which applications in the beef and veal sector for the issue of import licences lodged pursuant to Regulation (EEC) No 3885/90 may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3838/90 of 20 December 1990 opening and providing for the administration of a Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (1991) (1), and in particular Article 4 thereof,

Having regard to Commission Regulation (EEC) No 3885/90 of 27 December 1990 laying down detailed rules for the application of the import arrangements provided for in Council Regulation (EEC) No 3838/90 for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (2), as amended by Regulation (EEC) No 202/91 (3), and in particular Article 6 (1) thereof,

Whereas Commission Regulation (EEC) No 3885/90 provides in particular for the quantities reserved for traditional importers to be allocated in proportion to their imports in 1988, 1989 and 1990; whereas in the other cases the quantities applied for in accordance with Article 6 (2) of Regulation (EEC) No 3885/90 exceed the quantities available under Article 1 (2) of that Regulation; whereas, therefore, the quantities applied for should be reduced on a proportional basis;

Whereas under the terms of Article 1 (4) of Regulation (EEC) No 3885/90 the quota referred to in the first paragraph of the said Article is allocated in proportion to imports in 1988, 1989 and 1990; whereas, in the event that two or more traders claim to have imported the same reference quantity, it is necessary to ensure that the said quantity is only counted once; whereas, to this end, the importers concerned should be required to lodge a guarantee covering the full rate of the levy applicable to imports of the products in question; whereas, moreover, the levy should be increased by a fixed percentage so as to take account, in the light of experience, of fluctuations in the levy; whereas the guarantee should only be released

once the national authorities have definitively recognized that the trader concerned was actually the importer;

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. Every application for an import licence lodged in accordance with Regulation (EEC) No 3885/90 shall be granted to the following extent:

- (a) 291,104 kg per tonne imported in 1988, 1989 and 1990 for importers as defined in Article 1 (1) of Regulation (EEC) No 3885/90;
- (b) 14 722 kg per application in the case of importers as defined in Article 1 (2) of Regulation (EEC) No 3885/90.

2. Member States shall issue the import licences as from 11 March 1991.

Article 2

1. Where it becomes apparent that two or more importers within the meaning of Article 1 (1) of Regulation (EEC) No 3885/90 are invoking the same reference quantity within the meaning of paragraph 4 of the said Article, import licences in relation to this reference quantity may only be issued once the importers concerned have lodged a guarantee of an amount equivalent to the basic import levy applicable for the meat in question at the moment of the delivery of the licence, plus 10 %.

2. The guarantee shall be lodged when the import licences referred to in the second subparagraph of Article 6 (1) of Regulation (EEC) No 3885/90 are issued.

It shall be released once the trader who lodged it has been definitively identified as the actual importer of the reference quantity in question.

Article 3

This Regulation shall enter into force on 4 March 1991.

(1) OJ No L 367, 29. 12. 1990, p. 3.

(2) OJ No L 367, 29. 12. 1990, p. 136.

(3) OJ No L 23, 29. 1. 1991, p. 18.

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

Done at Brussels, 1 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 520/91

of 1 March 1991

fixing the maximum buying-in price and the quantities of beef bought in for the
40th 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 425/91 ⁽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 40th 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 40th 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 272 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 3 768 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 272 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 1 237 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 37 442.

Article 2

This Regulation shall enter into force on 5 March 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. 35.

⁽⁶⁾ OJ No L 50, 23. 2. 1991, p. 9.

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

Done at Brussels, 1 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 521/91
of 1 March 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 506/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 506/91 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 506/91 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 2 March 1991.

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

Done at Brussels, 1 March 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 55, 1. 3. 1991, p. 99.

ANNEX

to the Commission Regulation of 1 March 1991 altering the export refunds on cereals
fixing and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	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
	06	30,00
	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	0
1101 00 00 130	01	0
1101 00 00 150	01	0
1101 00 00 170	01	0
1101 00 00 180	01	0
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	0
1102 10 00 900	—	—
1103 11 10 100	01	0
1103 11 10 200	01	0
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	0
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 and Hungary.

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).

COMMISSION REGULATION (EEC) No 522/91

of 1 March 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 305/91 ⁽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 511/91 ⁽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 28 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 2 March 1991.

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

Done at Brussels, 1 March 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 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 55, 1. 3. 1991, p. 113.

⁽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 1 March 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,38 ⁽¹⁾
1701 11 90	40,38 ⁽¹⁾
1701 12 10	40,38 ⁽¹⁾
1701 12 90	40,38 ⁽¹⁾
1701 91 00	44,46
1701 99 10	44,46
1701 99 90	44,46 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 February 1991

concerning the conclusion of the Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Tunisia laying down the arrangements applicable from 1 January 1991 to imports into the Community of untreated olive oil originating in Tunisia

(91/105/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia⁽¹⁾, signed on 26 May 1987, and in particular Article 4 (3) thereof,

Having regard to the recommendation from the Commission,

Whereas the Agreement in the form of an exchange of letters negotiated with the Republic of Tunisia concerning imports into the Community of untreated olive oil falling within CN code 1509 10 10 or 1509 10 90 and originating in Tunisia should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the

Republic of Tunisia laying down the arrangements applicable from 1 January 1991 to imports into the Community of untreated olive oil originating in Tunisia is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 25 February 1991.

For the Council

The President

J.-C. JUNCKER

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 36.

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Republic of Tunisia laying down the arrangements applicable from 1 January 1991 to imports into the Community of untreated olive oil originating in Tunisia

A. Letter from the Community

Sir,

The arrangements applicable from 1 January 1991 to imports into the Community of untreated olive oil originating in Tunisia have been reviewed by the Community and Tunisia in accordance with Article 4 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia. The following was agreed:

- (a) from 1 January 1991 to 31 December 1993 the provisions of Article 4 of the Additional Protocol to the Cooperation Agreement will continue to apply to imports of untreated olive oil falling within CN code 1509 10 10 or 1509 10 90 wholly obtained in Tunisia and transported direct from that country to the Community.

Renewal of the arrangements laid down in the Additional Protocol is intended to support Tunisia's efforts to restructure its olive oil sector with a view, in particular, to increasing domestic consumption of olive oil and exports of olive oil on the world market.

Tunisia will actively pursue its efforts within the framework of the structural adjustment measures relating to the agricultural sector and, in particular, will implement measures along the following lines:

Development of domestic consumption of olive oil:

- application of an appropriate price policy permitting the progressive establishment of a more favourable ratio between the price of olive oil and grain oils,
- amendment of the rules on supplies to the Tunisian market with a view to progressively increasing the proportion of olive oil mixed with imported grain oils;

Development of exports of olive oil on the world market:

- removal of the external monopoly of the Office National des Huiles (ONH) and implementation of rules designed to develop and diversify the export activities of private firms.

Implementation of measures intended to improve the quality and presentation of olive oil in order to encourage domestic consumption and exports on the world market;

- (b) the Community and Tunisia will hold a dialogue within the appropriate bodies on developments on the world and Community markets for olive oil and developments on the Tunisian market (production, consumption, external trade) and the structural reforms referred to above.

Each year Tunisia will present a report on developments on the Tunisian market and structural reforms to the Community;

- (c) Tunisia and the Community will review the arrangements for imports of olive oil originating in Tunisia before 1 January 1992 and again before 1 January 1994. These reviews will take particular account of the situation on the Community market and the Community's policy for olive oil.

I should be obliged if you would acknowledge receipt of this letter and confirm that your Government is in agreement with its contents.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

B. Letter from the Republic of Tunisia

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'The arrangements applicable from 1 January 1991 to imports into the Community of untreated olive oil originating in Tunisia have been reviewed by the Community and Tunisia in accordance with Article 4 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia. the following was agreed :

- (a) from 1 January 1991 to 31 December 1993 the provisions of Article 4 of the Additional Protocol to the Cooperation Agreement will continue to apply to imports of untreated olive oil falling within CN code 1509 10 10 or 1509 10 90 wholly obtained in Tunisia and transported direct from that country to the Community.

Renewal of the arrangements laid down in the Additional Protocol is intended to support Tunisia's effort to restructure its olive oil sector with a view, in particular to increasing domestic consumption of olive oil and exports of olive oil on the world market.

Tunisia will actively pursue its efforts within the framework of the structural adjustment measures relating to the agricultural sector and, in particular, will implement measures along the following lines :

Development of domestic consumption of olive oil :

- application of an appropriate price policy permitting the progressive establishment of a more favourable ratio between the price of olive oil and grain oils,
- amendment of the rules on supplies to the Tunisian market with a view to progressively increasing the proportion of olive oil mixed with imported grain oils ;

Development of exports of olive oil on the world market :

- removal of the external monopoly of the Office National des Huiles (ONH) and implementation of rules designed to develop and diversify the export activities of private firms.

Implementation of measures intended to improve the quality and presentation of olive oil in order to encourage domestic consumption and exports on the world market ;

- (b) the Community and Tunisia will hold a dialogue within the appropriate bodies on developments on the world and Community markets for olive oil and developments on the Tunisian market (production, consumption, external trade) and the structural reforms referred to above.

Each year Tunisia will present a report on developments on the Tunisian market and structural reforms to the Community ;

- (c) Tunisia and the Community will review the arrangements for imports of olive oil originating in Tunisia before 1 January 1992 and again before 1 January 1994. These reviews will take particular account of the situation on the Community market and the Community's policy for olive oil.

I should be obliged if you would acknowledge receipt of this letter and confirm that your Government is in agreement with its contents.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of the
Republic of Tunisia*

COUNCIL DECISION

of 25 February 1991

providing medium-term financial assistance for the Czech and Slovak Federal Republic

(91/106/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission⁽¹⁾, submitted following consultations with the Monetary Committee,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas the people of Czechoslovakia have close historic relationships with the peoples of the Community; whereas that country is undertaking fundamental political and economic reforms and has decided to adopt a market economy model;

Whereas the said reforms will strengthen mutual confidence and bring Czechoslovakia closer to the Community;

Whereas Czechoslovakia and the Community have entered into negotiations for the conclusion of Agreements establishing a relationship of association;

Whereas the European Council of 14 and 15 December 1990 confirmed that in the context of the Group of 24 industrial countries (G-24) the Community would support the programme undertaken by Czechoslovakia to stabilize and modernize its economy and to make its currency convertible;

Whereas this programme is expected to be implemented in a difficult external environment;

Whereas the Czechoslovak authorities have requested financial assistance from the International Monetary Fund (IMF), the G-24 and the Community; whereas, over and above the estimated financing which could be provided by the IMF, the World Bank and official bilateral creditors, a financial gap of some ECU 750 million remains to be covered in order to prevent a further erosion of Czechoslovakia's reserves and avoid an additional degree of import compression which could seriously jeopardize the achievement of the policy objectives underlying the Government's reform effort;

Whereas the Commission as coordinator of assistance from the G-24 has invited them and other third countries to provide medium-term financial assistance to Czechoslovakia;

Whereas the grant by the Community of a medium-term loan to Czechoslovakia is an appropriate measure to support the balance of payments of Czechoslovakia, to strengthen the country's reserves and facilitate currency convertibility;

Whereas the Community loan should be managed by the Commission;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall grant to Czechoslovakia a medium-term loan facility of a maximum amount of ECU 375 million in principal, with a maximum duration of seven years, with a view to ensuring a sustainable balance-of-payments situation, strengthening its reserves and facilitating the introduction of currency convertibility.

2. To this end the Commission is empowered to borrow, on behalf of the Community, the necessary resources that will be placed at the disposal of Czechoslovakia in the form of a loan.

3. This loan will be managed by the Commission in close consultation with the Monetary Committee and in a manner consistent with any agreement reached between the IMF and Czechoslovakia.

Article 2

The Commission is empowered to negotiate with the Czechoslovak authorities, after consultation with the Monetary Committee, the terms and conditions of the loan. These terms and conditions must be consistent with any agreement referred to in Article 1 (3) and with arrangements made by the G-24.

The Commission shall verify at regular intervals, in collaboration with the Monetary Committee and in close co-ordination with G-24 and the IMF, that the economic policy of Czechoslovakia is in accordance with the objectives of this loan and that its terms and conditions are being fulfilled.

⁽¹⁾ OJ No C 37, 13. 2. 1991, p. 9.

⁽²⁾ Opinion delivered on 22 February 1990 (not yet published in the Official Journal).

Article 3

1. The loan shall be made available to Czechoslovakia in two instalments. The first instalment shall be released as soon as a 'stand-by arrangement' has been concluded between Czechoslovakia and the IMF and the second instalment after a period of at least two quarters, subject to the terms and conditions of Article 2.

2. The funds shall be paid to the National Bank of Czechoslovakia.

Article 4

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and shall not involve the Community in the transformation of maturities, in any exchange or interest-rate risk, or in any other commercial risk.

2. The Commission shall take the necessary steps, if Czechoslovakia so decides, to include in the loan terms and conditions, and also to exercise, an early repayment clause.

3. At the request of Czechoslovakia, and where circumstances permit an improvement in the interest rate on the loans, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set

out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

4. All related costs incurred by the Community in concluding and carrying out the operation provided for by this Decision shall be borne by Czechoslovakia.

5. The Monetary Committee shall be kept informed of developments in the steps and operations referred to in paragraphs 2 and 3 at least once a year.

Article 5

At least once a year, the Commission shall address to the European Parliament and to the Council a report, which will include an assessment, on the implementation of this Decision.

Done at Brussels, 25 February 1991.

For the Council

The President

J.-C. JUNCKER

COMMISSION

COMMISSION DECISION

of 13 February 1991

authorizing certain Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of sawn wood of conifers originating in the United States of America

(Only the Spanish, German, Greek, English, French, Italian, Dutch and Portuguese texts are authentic)

(91/107/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 Directive 91/27/EEC⁽²⁾, and in particular the second and third indents of Article 14 (3) thereof,

Having regard to the requests made by Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom,

Whereas under the provisions of Directive 77/93/EEC, because of the risk of introducing harmful organisms, wood of *Coniferae* which meets the descriptions in CN code ex 4407 10, originating in Canada, China, Japan, Korea and the United States of America, may not be introduced into the Community, unless it is properly kiln-dried and identified as such;

Whereas, however, the second indent of Article 14 (3) of Directive 77/93/EEC permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas, moreover, the third indent of Article 14 (3) of Directive 77/93/EEC permits derogations from the rule requiring a phytosanitary certificate if equivalent safe-

guards are given and provided that it is established that there is no risk of spreading harmful organisms;

Whereas wood of conifers originating in the United States of America is currently introduced into the Community; whereas in the case of sawn wood, phytosanitary certificates are not generally issued in that country; whereas it appears that kiln-drying capacity is at present limited in the United States of America;

Whereas, in respect of the United States of America, the Commission has established, on the basis of the information supplied by the United States of America and collected in that country during a mission carried out in 1990, that an officially approved and monitored programme of issuing 'certificates of debarking and grub hole control' has been set up to ensure proper debarking and to reduce the risk from harmful organisms; whereas the risk of spreading harmful organisms is reduced provided that the wood is accompanied by a Certificate of Debarking and Grub Hole Control issued under that programme;

Whereas the Commission will ensure that the United States of America makes available all technical information necessary to assess the functioning of the Debarking and Grub Hole Control Certificate programme;

Whereas the Member States should therefore be authorized to provide for derogations under the second and third indents of Article 14 (3) of Directive 77/93/EEC in respect of sawn wood of conifers originating in the United States of America for a limited period;

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

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

HAS ADOPTED THIS DECISION:

Article 1

1. Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom are hereby authorized to provide, under the conditions laid down in paragraph 2, for derogations from Article 5 (1) and the third indent of Article 12 (1) (a) of Directive 77/93/EEC, with regard to the requirements referred to in Annex IV, Part A, 1 (1), and also from Articles 7 (2) and 12 (1) (b) of Directive 77/93/EEC for wood of *Coniferae* (CN code ex 4407 10) originating in the United States of America other than wood which has been kiln-dried to below 20 % moisture content, expressed as a percentage of dry matter at time of manufacture, achieved through an appropriate time/temperature schedule, and is so identified.

2. For the purpose of paragraph 1, the following conditions shall be satisfied:

(a) the wood shall be totally stripped of its bark by means of debarking, edging, grading and board selection and shall be free of grub holes. Bark is considered to be the external part of wood capable of sustaining live bark-inhabiting insects or other harmful organisms at any stage of development, but does not extend to:

- inner bark (bast),
- ingrown bark, in particular around knots,
- bark or pitch pockets as defined in the national grading rules for softwood dimension lumber.

Grub holes are understood to mean insect bore-holes caused by wood-borers of the genus *Monochamus*, and defined for this purpose as those which are larger than 3 mm across;

(b) the fact that the conditions laid down under (a) are satisfied shall have been checked by graders who are trained, qualified and authorized for that purpose under a programme approved by the Animal and Plant Health Inspection Service, US Department of Agriculture;

(c) checks on compliance with the conditions laid down under (a) shall have been undertaken at mills by industry inspectors or their agents qualified and authorized for that purpose by the Animal and Plant Health Inspection Service, US Department of Agriculture;

In addition, the checking system shall provide for inspectors of the Animal and Plant Health Inspection Service, US Department of Agriculture, undertaking occasional pre-shipment inspections,

(d) the wood shall be accompanied by a Certificate of Debarking and Grub Hole Control which is standardized under the programme mentioned under (b), and complies with the specimen given in the Annex to this Decision, and which is issued by an authorized person on behalf of mills to participate in that programme by the Animal and Plant Health Inspection Service, US Department of Agriculture, and is filled in in accordance with the instructions set up under that programme.

Article 2

Without prejudice to the provisions laid down in Article 14 (5) of Directive 77/93/EEC, the Member States listed in Article 1 (1) shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down in Article 1 (2) (a) and (d), as soon as a third such consignment has been intercepted.

Article 3

The authorization granted in Article 1 shall expire on 31 December 1991. It shall be revoked earlier if it is established that the conditions laid down in Article 1 (2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Portugal and the United Kingdom.

Done at Brussels, 13 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

CERTIFICATE OF DEBARKING AND GRUB HOLE CONTROL

Issued in the U.S.A.

CERTIFICATE NUMBER

BILL OF LADING NUMBER

NAME AND ADDRESS OF SUPPLYING MILL

NAME AND ADDRESS OF CONSIGNEE (Optional)

DESCRIPTION OF CONSIGNMENT

VOLUME

INDICATE SPECIES, GRADE MARKS, OR OTHER IDENTIFYING MARKS. ALSO, INDICATE NUMBER OF PACKAGES AND BOARD FEET/CUBIC METERS BY LOT (Lot number and volume are required).

The lumber in this shipment has been examined by a mill inspector or other authorized person and found to have been stripped of its bark and to be free of grub holes; and, to the best of his/her knowledge and belief, to be in conformance with the import requirements of the receiving country.

This document is issued under a program officially approved by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. The products covered by this document are subject to preshipment inspection by that Agency. No liability shall be attached to the U.S. Department of Agriculture or to any officer or representative of the Department with respect to this certificate

AUTHORIZED PERSON RESPONSIBLE FOR CERTIFICATION

NAME (Print)	SIGNATURE	TITLE	DATE
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AGENCY VALIDATION

AUTHORIZED SIGNATURE	TITLE	DATE
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COMMISSION DECISION

of 20 February 1991

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/108/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EEC) No 297/91 ⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 211/91 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 February 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 March 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from

third countries ⁽⁵⁾, as last amended by Directive 91/69/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 February 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

— 55,00 tonnes originating in Swaziland,

United Kingdom:

— 15,01 tonnes originating in Namibia,

Italy:

— 12,50 tonnes originating in Madagascar.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of March 1991 in respect of the following quantities of boned beef and veal:

— Botswana :	18 916,00 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 566,50 tonnes,
— Swaziland :	3 148,00 tonnes,
— Zimbabwe :	9 100,00 tonnes,
— Namibia :	10 484,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 36, 8. 2. 1991, p. 9.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 24, 30. 1. 1991, p. 11.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 46, 19. 2. 1991, p. 37.

COMMISSION DECISION

of 1 March 1991

concerning certain protection measures relating to a new pig disease

(91/109/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, and in particular Article 10 thereof,

Whereas several disease outbreaks caused apparently by an infectious but not characterized agent have occurred in pigs in certain parts of the Federal Republic of Germany and the Netherlands;

Whereas the disease for the time being has been considered as a new disease which results in unusual numbers of abortions or premature farrowings in sows and deaths and weakness in young piglets which cannot otherwise be attributed to a known disease;

Whereas abortion is considered as the observed production of foetuses between service and up to and including the 109th day of pregnancy, and where none of the foetuses survive more than 24 hours;

Whereas premature farrowing is considered as the observed production of foetuses before the 110th day of pregnancy, but where some piglets survive for more than 24 hours;

Whereas it cannot be excluded that the disease has the potential for rapid spread;

Whereas the disease is likely to constitute a hazard to pig production;

Whereas on this condition it is necessary, as a first action, to avoid the spread of the disease; whereas the prohibition of the movements of pigs from farms where the disease has appeared and areas which are in particular affected should contribute to this aim;

Whereas the authorities of the Federal Republic of Germany and the Netherlands have engaged themselves to implement national measures that are necessary to guarantee the efficient implementation of this Decision when pigs are sent to other Member States;

Whereas since the new disease of pigs constitutes a serious hazard to animals, within the meaning of Article

10 (1) of Directive 90/425/EEC, it is necessary for Member States to present a report to the Commission on abortions and premature farrowings in sows and on arrangements made to obtain information on the occurrence of a pig disease which may cause unusual numbers of abortions and premature farrowings in sows;

Whereas the authorities of the Federal Republic of Germany and the Netherlands have engaged themselves to implement national measures, based on national legislation established by transposing Article 9 of Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽²⁾, as last amended by Directive 90/425/EEC, that are necessary to guarantee the efficient implementation of this Decision when pigs are sent to other Member States;

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

HAS ADOPTED THIS DECISION:

Article 1

The Member States shall not send to other Member States pigs originating from a herd where unusual numbers of abortions or premature farrowings in sows and death and weakness in young piglets, not attributable to known diseases, have been observed within the previous eight weeks.

Article 2

1. Without prejudice to Article 1 breeding and production pigs sent from the Federal Republic of Germany and the Netherlands to other Member States after 4 March 1991 shall comply with the conditions referred to in paragraph 2.

2. The breeding and production pigs shall:

(a) originate from a herd where no unusual numbers of abortions or premature farrowings in sows and death and weakness in young piglets have been observed within the eight weeks before the date of certification;

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

- (b) originate from a herd where within 30 days before the date of certification no pigs have been introduced from a herd situated in the areas defined in Annex I in respect of the Federal Republic of Germany and Annex II in respect of the Netherlands;
- (c) originate from a herd which has been submitted to a health examination by a veterinarian within the previous 48 hours of the date of certification and found to have presented no sign of disease.

Article 3

Without prejudice to Article 2

- (a) the Federal Republic of Germany, after 4 March 1991, shall not send to other Member States breeding and production pigs from any municipality where the said disease has been observed within the last eight weeks and which is situated within the areas described in Annex I;
- (b) the Netherlands, after 4 March 1991, shall not send to other Member States breeding and production pigs from the areas described in Annex II.

Article 4

The health certificate provided for in Annex F, Models III and IV to Directive 64/432/EEC accompanying pigs sent from the Federal Republic of Germany and the Netherlands must be completed by the following:

'Animals in accordance with Commission Decision 91/109/EEC concerning certain protection measures relating to a "new" pig disease'.

Article 5

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with

this Decision. They shall immediately inform the Commission thereof.

Article 6

1. Member States shall take the necessary measures which will ensure that the Central Veterinary Administration is informed of the presence of a pig disease which expresses itself by 'an unusual number of abortions or premature farrowing in sows and death and weakness in young piglets not attributable to known diseases'.

2. Member States shall not later than 22 March 1991 present to the Commission a written report on the basis of the information obtained.

Article 7

The Commission will follow developments in the situation and may amend and revoke this Decision in the light of such developments. The Decision, however, shall be reviewed not later than 17 April 1991.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 1 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

The parts of the territory of the Federal Republic of Germany covered by the following administrative units :

- Kreis Osnabrück, Cloppenburg and Bentheim within Regierungsbezirk Weser-Ems,
- Kreis Minden-Lübbecke and Paderborn within Regierungsbezirk Detmold,
- Kreis Unna and Soest within Regierungsbezirk Arnsberg,
- Kreis Münster, Borken, Coesfeld, Steinfurt and Warendorf within Regierungsbezirk Münster.

ANNEX II

The parts of the territory of the Netherlands described in Region 1 and Region 2 covered by the following administrative units :

<i>Region 1</i>	<i>Region 2</i>
Municipality :	Municipality :
— Steenderen,	— Someren,
— Hengelo (Gld),	— Asten,
— Ruurlo,	— Deurne,
— Lichtenvoorde,	— Horst,
— Groenlo,	— Sevenum,
— Winterswijk,	— Grubbenvorst,
— Doesburg,	— Meijel,
— Hummelo en Keppel,	— Helden,
— Zelhem,	— Maasbree,
— Angerlo,	— Venlo,
— Wehl,	— Tegelen.
— Doetinchem,	
— Wisch,	
— Aalten,	
— Westervoort,	
— Duiven,	
— Zevenaar,	
— Didam,	
— Bergh,	
— Genderen,	
— Dinxperlo.	
