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## Legislation

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#### *I Acts whose publication is obligatory*

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## I

(Acts whose publication is obligatory)

## COMMISSION REGULATION (EEC) No 859/91

of 8 April 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 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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 533/91<sup>(5)</sup> 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 5 April 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 533/91 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 9 April 1991.

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

Done at Brussels, 8 April 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 59, 6. 3. 1991, p. 1.

## ANNEX

to the Commission Regulation of 8 April 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Levy<br>(ECU/tonne)                  |
|------------|--------------------------------------|
| 0709 90 60 | 137,32 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 137,32 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 197,26 <sup>(1)</sup> <sup>(3)</sup> |
| 1001 10 90 | 197,26 <sup>(1)</sup> <sup>(3)</sup> |
| 1001 90 91 | 176,82                               |
| 1001 90 99 | 176,82                               |
| 1002 00 00 | 154,95 <sup>(6)</sup>                |
| 1003 00 10 | 151,40                               |
| 1003 00 90 | 151,40                               |
| 1004 00 10 | 141,26                               |
| 1004 00 90 | 141,26                               |
| 1005 10 90 | 137,32 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 137,32 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 142,17 <sup>(4)</sup>                |
| 1008 10 00 | 50,17                                |
| 1008 20 00 | 137,20 <sup>(4)</sup>                |
| 1008 30 00 | 63,28 <sup>(7)</sup>                 |
| 1008 90 10 | (7)                                  |
| 1008 90 90 | 63,28                                |
| 1101 00 00 | 262,08 <sup>(8)</sup>                |
| 1102 10 00 | 231,46 <sup>(8)</sup>                |
| 1103 11 10 | 320,03 <sup>(8)</sup>                |
| 1103 11 90 | 281,41 <sup>(8)</sup>                |

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

<sup>(2)</sup> 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'.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

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

<sup>(8)</sup> 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 860/91**  
**of 8 April 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, 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<sup>(5)</sup> 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 5 April 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 9 April 1991.

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

Done at Brussels, 8 April 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 367, 29. 12. 1990, p. 10.

## ANNEX

to the Commission Regulation of 8 April 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<br>4 | 1st period<br>5 | 2nd period<br>6 | 3rd period<br>7 |
|------------|--------------|-----------------|-----------------|-----------------|
| 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            | 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

(ECU/tonne)

| CN code    | Current<br>4 | 1st period<br>5 | 2nd period<br>6 | 3rd period<br>7 | 4th period<br>8 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 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 861/91

of 8 April 1991

fixing the maximum buying-in price and the quantities of beef bought in for the  
42nd 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2271/90<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 711/91<sup>(6)</sup>;

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 42nd 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 42nd 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 271 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 31 820 tonnes; the quantities are hereby reduced by 75 % 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 271 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 75 % 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 19 207 tonnes.

*Article 2*

This Regulation shall enter into force on 9 April 1991.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.<sup>(2)</sup> OJ No L 353, 17. 12. 1990, p. 23.<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.<sup>(4)</sup> OJ No L 204, 2. 8. 1990, p. 45.<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.<sup>(6)</sup> OJ No L 77, 23. 3. 1991, p. 35.

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

Done at Brussels, 8 April 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 862/91

of 8 April 1991

laying down detailed rules applying Council Regulation (EEC) No 3491/90 to imports of rice originating in Bangladesh

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3491/90 of 26 November 1990 on imports of rice originating in Bangladesh<sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(2)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(3)</sup>, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Regulation (EEC) No 3491/90 lays down that the levy calculated in accordance with Article 11 of Council Regulation (EEC) No 1418/76<sup>(4)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(5)</sup>, shall be reduced by 50 % plus a standard component varying according to the extent to which the rice is milled, provided that a corresponding tax is paid when the rice is exported from the third country concerned;

Whereas since the exact amount of export tax can be collected only if the levy that will be applied on import into the Community is known, the import levy must be fixed in advance;

Whereas it is necessary to ascertain that the exporting country has actually collected an export tax of an amount corresponding to the reduction in the levy applied;

Whereas Article 3b of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(6)</sup>, as last amended by Commission Regulation (EEC) No 3237/90<sup>(7)</sup>, determined the rate to be used for the conversion of the amount expressed in the national currency of a third country into the national currency of a Member State;

Whereas Regulation (EEC) No 3491/90 also lays down that the reduced levy may be applied only where a certi-

cate of origin is provided; whereas the provisions of Commission Regulation (EEC) No 3850/89 of 15 December 1989 laying down provisions for the implementation of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of the goods in respect of certain agricultural products subject to special import arrangements<sup>(8)</sup> should be applied and the terms of validity of the certificate of origin should be fixed;

Whereas suitable administrative measures should be laid down in order to ensure that the volume of the quota fixed is not exceeded;

Whereas, for the purposes of managing the quota, Member States must inform the Commission of the quantities for which import licences for rice originating in Bangladesh have been applied for;

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 amounts of the levies referred to in Article 1 (1) of Regulation (EEC) No 3491/90 shall be calculated each week by the Commission on the basis of the levies laid down in accordance with Article 11 of Regulation (EEC) No 1418/76.

*Article 2*

1. For imports made under Regulation (EEC) No 3491/90, Regulation (EEC) No 3850/89 shall be applied with regard to the documentary proof of origin of the goods.

A model of the certificate of origin to be used is set out in the Annex to this Regulation.

2. The certificate of origin referred to in paragraph 1 shall be valid for 90 days from the date of issue and up to 31 December of the same year at the latest.

3. The competent authority for issuing certificates of origin shall be the Export Promotion Bureau of Bangladesh.

<sup>(1)</sup> OJ No L 337, 4. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(3)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(4)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(5)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(6)</sup> OJ No L 310, 21. 11. 1985, p. 1.

<sup>(7)</sup> OJ No L 310, 9. 11. 1990, p. 18.

<sup>(8)</sup> OJ No L 374, 22. 12. 1989, p. 8.

### Article 3

1. The proof referred to in the first indent of Article 1 (2) of Regulation (EEC) No 3491/90 shall be constituted by the competent authorities in Bangladesh entering one of the following indications under 'Remarks' in the certificate of origin:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <ul style="list-style-type: none"> <li>— 'Derecho especial percibido a la exportación del arroz'</li> <li>— 'Særafgift, der opkræves ved eksport af ris'</li> <li>— 'Bei der Ausfuhr von Reis erhobene sonderabgabe'</li> <li>— 'Ειδικός δασμός που εισπράττεται κατά την εξαγωγή ρυζιού'</li> <li>— 'Special charge collected on export of rice'</li> <li>— 'Taxe spéciale perçue à l'exportation du riz'</li> <li>— 'Tassa speciale riscossa all'esportazione del riso'</li> <li>— 'Bij uitvoer van de rijst opgelegde bijzondere heffing'</li> <li>— 'Taxa especial cobrada à exportação de arroz'.</li> </ul> | } Amount<br>in national<br>currency |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

2. Where the tax collected by the exporting country is less than the reduction referred to in Article 1 (1) of Regulation (EEC) No 3491/90, the reduction shall not exceed the amount collected.

3. The exchange rate to be used for converting the import tax collected in Bangladesh into the currency of the importing Member State shall be that referred to in Article 3b of Regulation (EEC) No 3152/85 valid on the day of advance fixing of the levy.

### Article 4

1. In addition to fulfilling the other conditions laid down by Community rules, the application for an import licence and the import licence itself, in order to qualify for the reduced levy referred to in Article 1 of Regulation (EEC) No 3491/90, must include:

- (a) In box 20 and in box 24 respectively one of the following:
- 'Exacción reguladora reducida Bangladesh'
  - 'Reduceret afgift Bangladesh'
  - 'Verminderte Abschöpfung Bangladesch'
  - 'Μειωμένη εισφορά Μπαγκλαντές'
  - 'Reduced levy Bangladesh'
  - 'Prélèvement réduit Bangladesh'
  - 'Prelievo ridotto Bangladesh'
  - 'Verminderde heffing Bangladesh'
  - 'Direito nivelador reduzido Bangladesh';
- (b) in box 8, the word 'Bangladesh'.

2. The import licence, issued for a quantity not exceeding that entered on the certificate of origin referred

to in Article 2, obliges the importer to import from Bangladesh. The import levy must be fixed in advance.

3. The import licence referred to in paragraph 1 shall be issued on the fifth working day following the date on which the application was submitted, provided no measure suspending the advance fixing of the levy has been taken during that period and that the quantity qualifying for the reduced levy has not been exhausted.

4. When the quantities applied for exceed the quantities for which a reduced levy is granted, the Commission shall fix a uniform percentage reduction of the quantities applied for.

In such cases, the licence shall be issued for the quantities resulting from the application of this uniform percentage reduction to the quantities applied for.

If this percentage, however, results in a licence for a quantity of less than 20 tonnes being issued, the operator may withdraw his or her application and the related security shall be released. Member States shall inform the Commission, during the following two days at the latest, of the quantities for which applications have been withdrawn.

5. When the quantity for which the import licence is issued is lower than the quantity applied for, the amount of the security shall be reduced accordingly.

### Article 5

Member States shall inform the Commission by telex of:

- (a) the quantities of each type of rice originating in Bangladesh that have been the subject of an application for an import licence;
- (b) the quantities of each type of rice in respect of which an import licence has actually been issued, giving the date and the exporting country (Bangladesh);
- (c) the quantities of each type of rice for which a licence was issued but not used;
- (d) the quantities of each type of rice for which import licences have been cancelled within the meaning of Article 36 of Commission Regulation (EEC) No 3719/88 (1).

This information must be communicated separately from the information relating to other applications for import licences in the rice sector and in accordance with the same procedures.

### Article 6

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

(1) 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, 8 April 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

|                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                          |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 Consignor                                                                                                                                                                                                                                                                                                                       | <p align="center"><b>CERTIFICATE OF ORIGIN</b><br/>for imports of agricultural products into the<br/>European Economic Community</p> <p><b>No</b> <span style="float: right;"><b>ORIGINAL</b></span></p> |  |
| 2 Consignee (optional)                                                                                                                                                                                                                                                                                                            | 3 ISSUING AUTHORITY                                                                                                                                                                                      |  |
|                                                                                                                                                                                                                                                                                                                                   | 4 Country of origin BANGLADESH                                                                                                                                                                           |  |
| <p><b>NOTES</b></p> <p>A. The certificate must be completed in typescript or by means of a mechanical data-processing system, or similar procedure.</p> <p>B. The original of the certificate must be lodged together with the declaration of release for free circulation with the relevant customs office in the Community.</p> | 5 Remarks                                                                                                                                                                                                |  |
| 6 Item number — Markings and numbers — Number and kind of packages — DESCRIPTION OF GOODS                                                                                                                                                                                                                                         | 7 Gross and net mass (kg)                                                                                                                                                                                |  |
| <p>8 THIS IS TO CERTIFY THAT THE ABOVE PRODUCTS ORIGINATE IN THE COUNTRY INDICATED IN BOX 4 AND THAT THE INDICATIONS IN BOX 5 ARE CORRECT.</p> <p>Place and date of issue <span style="margin-left: 200px;">Signature</span> <span style="float: right;">Issuing authority's stamp</span></p>                                     |                                                                                                                                                                                                          |  |
| 9 RESERVED FOR THE CUSTOMS AUTHORITIES IN THE COMMUNITY                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                          |  |

## COMMISSION REGULATION (EEC) No 863/91

of 8 April 1991

on the special sale of intervention butter for export to the Soviet Union and  
amending Regulation (EEC) No 569/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 3641/90<sup>(2)</sup>, and in particular Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture<sup>(3)</sup>, as last amended by Regulation (EEC) No 791/91<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas Article 6 of Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream<sup>(5)</sup>, as last amended by Regulation (EEC) No 3644/90<sup>(6)</sup>, provides that, when butter is put on sale for export, special conditions may be laid down to take account of the special requirements for such sales and to guarantee that the product is not diverted from its destination;

Whereas on 12 December 1990 the Committee of the Protocol regarding milk fat, acting within the framework of the General Agreement on Tariffs and Trade (GATT), granted a derogation from Article 3 of the Protocol regarding milk fat in order to allow sales of butter to the Soviet Union at prices lower than the minimum GATT price;

Whereas the quantities of butter at present in public storage and the likely increase in these quantities in the future are such that they should be used to the greatest possible extent for such sales; whereas, therefore, it seems desirable to make certain quantities of butter in public storage available to operators, using the tendering procedure in order to fix the minimum selling price;

Whereas, in order to ensure that the butter is not diverted from its destination, a system of supervision should operate from the time the butter is removed from storage until it has reached its destination in the third country concerned; whereas, for reasons of clarity, it should be specified that the provisions on supervision laid down by

Commission Regulation (EEC) No 569/88<sup>(7)</sup>, as last amended by Regulation (EEC) No 843/91<sup>(8)</sup>, and by Commission Regulation (EEC) No 2220/85<sup>(9)</sup>, as last amended by Regulation (EEC) No 3745/89<sup>(10)</sup>, are applicable; whereas, moreover, in view of the specific nature of this operation, additional conditions should be introduced;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the conditions laid down in this Regulation, a maximum quantity of 124 000 tonnes of butter with a fat content greater than or equal to 82 % and purchased in accordance with Article 6 (1) of Regulation (EEC) No 804/68 shall be sold. The allocation by Member State of the quantities of butter sold shall be that set out in the Annex.

*Article 2*

1. The butter shall be sold ex-cold storage plant by invitation to tender.

2. The Annex shall serve as notice of invitation to tender. The information concerning quantities and places where the butter is stored may be obtained by prospective tenderers at the addresses indicated in the Annex. In addition, intervention agencies may display notices and publish additional information.

3. Tenderers shall submit their tenders to one of the intervention agencies referred to in the Annex not later than 12 noon on 16 April 1991. After expiry of the above-mentioned time limit and before 20 April 1991, tenderers shall send copies of their offers, by telex or fax, to the Commission of the European Communities, Division VI-D-1, 120 rue de la Loi, B-1049 Brussels (telex 22037B AGREC; telefax 235 33 10). Before that same date, the intervention agencies shall notify the Commission of tenders received.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 362, 27. 12. 1990, p. 5.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 81, 28. 3. 1991, p. 110.

<sup>(5)</sup> OJ No L 169, 18. 7. 1968, p. 1.

<sup>(6)</sup> OJ No L 362, 27. 12. 1990, p. 10.

<sup>(7)</sup> OJ No L 55, 1. 3. 1988, p. 1.

<sup>(8)</sup> OJ No L 85, 5. 4. 1991, p. 26.

<sup>(9)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(10)</sup> OJ No L 364, 14. 12. 1989, p. 54.

4. Each tender shall state the name and address of the tenderer and shall not be valid unless :

- (a) it relates to a minimum total quantity of 6 200 tonnes of butter, of which 50 % is held by the Irish intervention agency ;
- (b) it offers a single price per tonne, expressed in ecus, for the total quantity of butter to which the tender relates ;
- (c) it is accompanied by a written undertaking by the tenderer waiving any rights to legal action in respect of the quality and characteristics of the butter sold and a written undertaking to export the butter awarded, in an unaltered state, within the time limit and to the destination indicated in this Regulation ;
- (d) proof is furnished that, before expiry of the period set for the submission of tenders, the tenderer has lodged a tendering security of ECU 10 per tonne guaranteeing compliance with the primary requirements relating to non-withdrawal of the tender after the closing date for submission of tenders, removal of the quantities sold and payment of any storage costs due.

5. With a view to fulfilling the conditions laid down in paragraph 4, tenderers may submit partial tenders to several of the intervention agencies referred to in the Annex ; where this is the case, the tenders shall offer the same price expressed in ecus.

6. The butter must be imported into the Soviet Union.

### Article 3

1. Intervention agencies shall update and make available to prospective tenderers on request the list of the cold stores where the butter for sale is stored and the quantities available.
2. Intervention agencies shall take the measures necessary to enable prospective tenderers to examine at their own expense, before tendering, samples of the butter for sale.

### Article 4

1. A minimum selling price shall be fixed, taking account of the tenders received and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68. Tenders shall be rejected if the proposed price is lower than the minimum price. Where two or more tenders under consideration offering the same prices or the same difference from the minimum price relate to a total quantity exceeding the quantity available, the quantity available shall be allocated proportionately to the quantities tendered for.

A decision may be taken to make no award in respect of the invitation to tender. Where this is the case, or where all the tenders received do not cover the total quantity referred to in Article 1, a decision may be taken to issue a new invitation to tender.

2. At the same time as the minimum selling price is fixed and following the same procedure, the amount of the securities referred to in the first and second indents of the first subparagraph of Article 5 (1) and the coefficient to be applied to any monetary compensatory amounts applicable to the butter sold shall be fixed.

3. Each tenderer shall be notified immediately by the intervention agency of the result of his participation in the invitation to tender.

4. Obligations arising in connection with the award shall not be transferable.

### Article 5

1. Before the removal of the butter and within the period specified in paragraph 2, the purchaser shall lodge with the intervention agency concerned, in respect of each quantity to be removed :

- a security guaranteeing compliance with the primary requirement that the butter be imported into the country of destination ; notwithstanding Article 17 (1) of Council Regulation (EEC) No 3665/85 <sup>(1)</sup> importation must be effected not later than 30 September 1991 ; however, if the prospective tenderer is not able to complete the deliveries by that date because the Soviet Union cannot ensure its unloading, the intended deliveries may be completed not later than 31 December 1991,
- a security guaranteeing compliance with the primary requirement that the selling price be paid, where this is paid after removal.

Except in cases of *force majeure*, the security referred to in the first indent of the first subparagraph shall be forfeit in proportion to those quantities for which the proof referred to in Article 18 of Regulation (EEC) No 569/88 has not been produced within the time limit of 12 months as from the date on which the export declaration is accepted.

2. The purchaser shall remove the butter which has been sold to him not later than 31 August 1991 and the cost of storing the butter removed after that date shall be chargeable to him. Removal may be split up into part lots of not less than 20 tonnes each.

3. The purchaser shall pay the selling price proposed in his tender to the intervention agency not later than 31 August 1991.

4. Where the payment referred to in paragraph 3 has not been made within the specified time limit, the security referred to in the second indent of the first subparagraph of paragraph 1 shall be forfeit for the quantities concerned.

<sup>(1)</sup> OJ No L 354, 30. 12. 1985, p. 1.

*Article 6*

1. The butter shall be delivered by the intervention agency in packages bearing the following statement in letters at least one centimetre high in the language or languages of the exporting country:

'Regulation (EEC) No 863/91: Butter for the Soviet Union.'

2. The intervention agency shall issue to the successful tenderer a removal slip indicating:

- the quantity of butter in respect of which the securities referred to in Article 5 (1) have been lodged,
- the coldstore where the quantity is stored.

*Article 7*

The exchange rate to be applied within the framework of this Regulation shall be the representative rate valid on the day on which the time limit for submission of tenders expires.

*Article 8*

The following point and footnote are hereby added to Part I 'Products to be exported in the same state as that in which they were removed from intervention stock' of the Annex to Regulation (EEC) No 569/88:

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

Done at Brussels, 8 April 1991.

'84. Commission Regulation (EEC) No 863/91 of 8 April 1991 on the special sale of intervention butter for export to the Soviet Union<sup>(84)</sup>.

<sup>(84)</sup> OJ No L 88, 9. 4. 1991, p. 11.'

*Article 9*

No export refund shall be granted in respect of the butter sold under this Regulation. Accession compensatory amounts shall not apply. The monetary compensatory amounts applicable to butter sold under this Regulation shall be multiplied by the coefficient fixed in accordance with Article 4 (2).

*Article 10*

Member States shall notify the Commission, at the latest by Tuesday of each week, of the quantities of butter which have, in the previous week:

- been removed from storage,
- been exported,
- been imported into the Soviet Union.

*Article 11*

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

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

**Notice of invitation to tender for the sale of butter held by the following intervention agencies in accordance with Regulation (EEC) No 863/91***I. Allocation of the quantities of butter referred to in Article 1*

|             | (tonnes) |
|-------------|----------|
| Belgium     | 3 000    |
| Denmark     | 4 000    |
| Germany     | 5 000    |
| Ireland     | 62 000   |
| Netherlands | 50 000   |
| Total       | 124 000  |

*II. Addresses of the intervention agencies concerned*

- Office Belge de l'économie et de l'agriculture,  
Secteur 'produits et industries agricoles et alimentaires',  
Rue de Trèves 82,  
B-1040 Brussels  
(tel. 32 2 230 17 40; telex 24076 / 65567; telefax 32 2 230 25 33)
- EF-direktoratet,  
Frederiksborggade 18,  
DK-1360 København K  
(tel. 45 31 92 70 00; telex 15137 EFDIR-DK; telefax 45 33 92 69 48)
- Bundesanstalt für landwirtschaftliche Marktordnung (BALM),  
Adickesallee 40,  
D-6000 Frankfurt am Main  
(tel. 49 691 56 40; telex 411 727 and 411 156; telefax 1564651; teletex 699 07 32)
- Department of Agriculture and Food, Intervention Unit,  
Agriculture House,  
Kildare Street,  
IRL-Dublin 2  
(tel. 353 1 78 90 11; telex 93 607 AGRI-EI; telefax 353 1 616 263)
- Voedselvoorzienings in- en Verkoopbureau,  
Burg. Kessenplein 3 — Postbus 960,  
NL-6430 AZ Hoensbroek  
(tel. 31 45 23 83 83; telex 56 396; telefax 31 45 22 27 35)

**COMMISSION REGULATION (EEC) No 864/91**  
**of 8 April 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 464/91<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 845/91<sup>(4)</sup>;

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<sup>(5)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(6)</sup>,

- 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 5 April 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 9 April 1991.

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

Done at Brussels, 8 April 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 54, 28. 2. 1991, p. 22.

<sup>(3)</sup> OJ No L 350, 14. 12. 1990, p. 68.

<sup>(4)</sup> OJ No L 85, 5. 4. 1991, p. 32.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 201, 31. 7. 1990, p. 9.

## ANNEX

to the Commission Regulation of 8 April 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 39,10 <sup>(1)</sup> |
| 1701 11 90 | 39,10 <sup>(1)</sup> |
| 1701 12 10 | 39,10 <sup>(1)</sup> |
| 1701 12 90 | 39,10 <sup>(1)</sup> |
| 1701 91 00 | 43,18                |
| 1701 99 10 | 43,18                |
| 1701 99 90 | 43,18 <sup>(2)</sup> |

<sup>(1)</sup> 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).

<sup>(2)</sup> 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.