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## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EEC) No 1534/91 of 31 May 1991 on the application of Article 85 (3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector** ..... 1
- Commission Regulation (EEC) No 1535/91 of 6 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 4
- Commission Regulation (EEC) No 1536/91 of 6 June 1991 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 6
- Commission Regulation (EEC) No 1537/91 of 6 June 1991 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products ..... 8
- ★ **Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultry** ..... 11
- ★ **Commission Regulation (EEC) No 1539/91 of 6 June 1991 fixing for the 1991 marketing year the Community offer prices for table grapes applicable with regard to Spain and Portugal** ..... 23
- ★ **Commission Regulation (EEC) No 1540/91 of 6 June 1991 fixing for the 1991 marketing year the reference prices for table grapes** ..... 25
- Commission Regulation (EEC) No 1541/91 of 6 June 1991 concerning applications for STM licences for cereals submitted from 1 to 3 June 1991 for imports of common wheat into Portugal ..... 27
- Commission Regulation (EEC) No 1542/91 of 6 June 1991 introducing a countervailing charge on fresh lemons originating in Israel ..... 28

Contents (continued)

|                                                                                                                                                                                                                                                                                                                     |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Commission Regulation (EEC) No 1543/91 of 6 June 1991 applying the duty in the Common Customs Tariff to fresh lemons originating in Israel .....                                                                                                                                                                    | 30 |
| * Commission Regulation (EEC) No 1544/91 of 6 June 1991 amending Regulation (EEC) No 641/86 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession ..... | 32 |
| * Commission Regulation (EEC) No 1545/91 of 6 June 1991 laying down detailed rules for the application of Council Regulation (EEC) No 598/91 for the supply of pigmeat intended for the people of the Soviet Union .....                                                                                            | 33 |
| Commission Regulation (EEC) No 1546/91 of 6 June 1991 fixing the import levies on white sugar and raw sugar .....                                                                                                                                                                                                   | 38 |
| Commission Regulation (EEC) No 1547/91 of 6 June 1991 fixing the export refunds on cereals and on wheat or rye flour, groats and meal .....                                                                                                                                                                         | 40 |
| Commission Regulation (EEC) No 1548/91 of 6 June 1991 fixing the corrective amount applicable to the refund on cereals .....                                                                                                                                                                                        | 44 |
| Commission Regulation (EEC) No 1549/91 of 6 June 1991 fixing the export refunds on rice and broken rice .....                                                                                                                                                                                                       | 47 |

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II *Acts whose publication is not obligatory*

**Commission**

91/283/EEC :

|                                                                                                                                                                                                                                    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| * Commission Decision of 15 May 1991 concerning applications for the refund of anti-dumping duties collected on certain imports of compact disc players originating in Japan (Amroh BV — Elektronica & Technische Produkten) ..... | 51 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

91/284/EEC :

|                                                                                                                                                                                                               |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| * Commission Decision of 15 May 1991 concerning applications for the refund of anti-dumping duties collected on certain imports of compact disc players originating in Japan (PIA Hi-Fi Vertriebs GmbH) ..... | 54 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

91/285/EEC :

|                                                                                                                                                                                                           |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| * Commission Decision of 21 May 1991 authorizing the French Republic to apply intra-Community surveillance in respect of imports of certain textile products originating in certain third countries ..... | 57 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

91/286/EEC :

|                                                                                                                                                                        |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| * Commission Decision of 4 June 1991 repealing Decision 85/594/EEC authorizing Greece to take certain safeguard measures under Article 108 (3) of the EEC Treaty ..... | 58 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 1534/91**

**of 31 May 1991**

**on the application of Article 85 (3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 87 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Article 85 (1) of the Treaty may, in accordance with Article 85 (3), be declared inapplicable to categories of agreements, decisions and concerted practices when satisfy the requirements of Article 85 (3);

Whereas the detailed rules for the application of Article 85 (3) of the Treaty must be adopted by way of a Regulation based on Article 87 of the Treaty;

Whereas cooperation between undertakings in the insurance sector is, to a certain extent, desirable to ensure the proper functioning of this sector and may at the same time promote consumers' interests;

Whereas the application of Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings <sup>(4)</sup> enables the Commission to exercise close supervision on issues arising from concentrations in all sectors, including the insurance sector;

Whereas exemptions granted under Article 85 (3) of the Treaty cannot themselves affect Community and national provisions safeguarding consumers' interests in this sector;

Whereas agreements, decisions and concerted practices serving such aims may, in so far as they fall within the prohibition contained in Article 85 (1) of the Treaty, be exempted therefrom under certain conditions; whereas this applies in particular to agreements, decisions and concerted practices relating to the establishment of common risk premium tariffs based on collectively ascertained statistics or the number of claims, the establishment of standard policy conditions, common coverage of certain types of risks, the settlement of claims, the testing and acceptance of security devices, and registers of, and information on, aggravated risks;

Whereas in view of the large number of notifications submitted pursuant to Council Regulation No 17 of 6 February 1962: First Regulation implementing Articles 85 and 86 of the Treaty <sup>(5)</sup>, as last amended by the Act of Accession of Spain and Portugal, it is desirable that in order to facilitate the Commission's task, it should be enabled to declare, by way of Regulation, that the provisions of Article 85 (1) of the Treaty are inapplicable to certain categories of agreements, decisions and concerted practices;

Whereas it should be laid down under which conditions the Commission, in close and constant liaison with the competent authorities of the Member States, may exercise such powers;

Whereas, in the exercise of such powers, the Commission will take account not only of the risk of competition being eliminated in a substantial part of the relevant market and of any benefit that might be conferred on policyholders resulting from the agreements, but also of the risk which the proliferation of restrictive clauses and the operation of accommodation companies would entail for policyholders;

Whereas the keeping of registers and the handling of information on aggravated risks should be carried out subject to the proper protection of confidentiality;

<sup>(1)</sup> OJ No C 16, 23. 1. 1990, p. 13.

<sup>(2)</sup> OJ No C 260, 15. 10. 1990, p. 57.

<sup>(3)</sup> OJ No C 182, 23. 7. 1990, p. 27.

<sup>(4)</sup> OJ No L 395, 30. 12. 1989, p. 1.

<sup>(5)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

Whereas, under Article 6 of Regulation No 17, the Commission may provide that a decision taken in accordance with Article 85 (3) of the Treaty shall apply with retroactive effect; whereas the Commission should also be able to adopt provisions to such effect in a Regulation;

Whereas, under Article 7 of Regulation No 17, agreements, decisions and concerted practices may, by decision of the Commission, be exempted from prohibition, in particular if they are modified in such manner that they satisfy the requirements of Article 85 (3) of the Treaty; whereas it is desirable that the Commission be enabled to grant by Regulation like exemption to such agreements, decisions and concerted practices if they are modified in such manner as to fall within a category defined in an exempting Regulation;

Whereas it cannot be ruled out that, in specific cases, the conditions set out in Article 85 (3) of the Treaty may not be fulfilled; whereas the Commission must have the power to regulate such cases pursuant to Regulation No 17 by way of a Decision having effect for the future,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. Without prejudice to the application of Regulation No 17, the Commission may, by means of a Regulation and in accordance with Article 85 (3) of the Treaty, declare that Article 85 (1) shall not apply to categories of agreements between undertakings, decisions of associations of undertakings and concerted practices in the insurance sector which have as their object cooperation with respect to:

- (a) the establishment of common risk premium tariffs based on collectively ascertained statistics or the number of claims;
- (b) the establishment of common standard policy conditions;
- (c) the common coverage of certain types of risks;
- (d) the settlement of claims;
- (e) the testing and acceptance of security devices;
- (f) registers of, and information on, aggravated risks, provided that the keeping of these registers and the handling of this information is carried out subject to the proper protection of confidentiality.

2. The Commission Regulation referred to in paragraph 1, shall define the categories of agreements, decisions and concerted practices to which it applies and shall specify in particular:

- (a) the restrictions or clauses which may, or may not, appear in the agreements, decisions and concerted practices;

- (b) the clauses which must be contained in the agreements, decisions and concerted practices or the other conditions which must be satisfied.

#### *Article 2*

Any Regulation adopted pursuant to Article 1 shall be of limited duration.

It may be repealed or amended where circumstances have changed with respect to any of the facts which were essential to its being adopted; in such case, a period shall be fixed for modification of the agreements, decisions and concerted practices to which the earlier Regulation applies.

#### *Article 3*

A Regulation adopted pursuant to Article 1 may provide that it shall apply with retroactive effect to agreements, decisions and concerted practices to which, at the date of entry into force of the said Regulation, a Decision taken with retroactive effect pursuant to Article 6 of Regulation No 17 would have applied.

#### *Article 4*

1. A Regulation adopted pursuant to Article 1 may provide that the prohibition contained in Article 85 (1) of the Treaty shall not apply, for such period as shall be fixed in that Regulation, to agreements, decisions and concerted practices already in existence on 13 March 1962 which do not satisfy the conditions of Article 85 (3) where:

- within six months from the entry into force of the said Regulation, they are so modified as to satisfy the said conditions in accordance with the provisions of the said Regulation and
- the modifications are brought to the notice of the Commission within the time limit fixed by the said Regulation.

The provisions of the first subparagraph shall apply in the same way to those agreements, decisions and concerted practices existing at the date of accession of new Member States to which Article 85 (1) of the Treaty applies by virtue of accession and which do not satisfy the conditions of Article 85 (3).

2. Paragraph 1 shall apply to agreements, decisions and concerted practices which had to be notified before 1 February 1963, in accordance with Article 5 of Regulation No 17, only where they have been so notified before that date.

Paragraph 1 shall not apply to agreements, decisions and concerted practices existing at the date of accession of new Member States to which Article 85 (1) of the Treaty applies by virtue of accession and which had to be notified within six months from the date of accession in accordance with Articles 5 and 25 of Regulation No 17, unless they have been so notified within the said period.

3. The benefit of provisions adopted pursuant to paragraph 1 may not be invoked in actions pending at the date of entry into force of a Regulation adopted pursuant to Article 1; neither may it be invoked as grounds for claims for damages against third parties.

#### *Article 5*

Where the Commission proposes to adopt a Regulation, it shall publish a draft thereof to enable all persons and organizations concerned to submit to it their comments within such time limit, being not less than one month, as it shall fix.

#### *Article 6*

1. The Commission shall consult the Advisory Committee on Restrictive Practices and Monopolies:

- (a) before publishing a draft Regulation;
- (b) before adopting a Regulation.

2. Article 10 (5) and (6) of Regulation No 17, relating to consultation of the Advisory Committee, shall apply. However, joint meetings with the Commission shall take

place not earlier than one month after dispatch of the notice convening them.

#### *Article 7*

Where the Commission, either on its own initiative or at the request of a Member State or of natural or legal persons claiming a legitimate interest, finds that, in any particular case, agreements, decisions and concerted practices, to which a Regulation adopted pursuant to Article 1 applies, have nevertheless certain effects which are incompatible with the conditions laid down in Article 85 (3) of the Treaty, it may withdraw the benefit of application of the said regulation and take a decision in accordance with Articles 6 and 8 of Regulation No 17, without any notification under Article 4 (1) of Regulation No 17 being required.

#### *Article 8*

Not later than six years after the entry into force of the Commission Regulation provided for in Article 1, the Commission shall submit to the European Parliament and the Council a report on the functioning of this Regulation, accompanied by such proposals for amendments to this Regulation as may appear necessary in the light of experience.

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

Done at Brussels, 31 May 1991.

*For the Council*

*The President*

A. BODRY

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## COMMISSION REGULATION (EEC) No 1535/91

of 6 June 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 June 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 7 June 1991.

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

Done at Brussels, 6 June 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 6 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Levy                                 |
|------------|--------------------------------------|
| 0709 90 60 | 130,47 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 130,47 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 195,00 <sup>(1)</sup> <sup>(4)</sup> |
| 1001 10 90 | 195,00 <sup>(1)</sup> <sup>(4)</sup> |
| 1001 90 91 | 158,65                               |
| 1001 90 99 | 158,65                               |
| 1002 00 00 | 152,46 <sup>(6)</sup>                |
| 1003 00 10 | 145,76                               |
| 1003 00 90 | 145,76                               |
| 1004 00 10 | 135,16                               |
| 1004 00 90 | 135,16                               |
| 1005 10 90 | 130,47 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 130,47 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 142,18 <sup>(4)</sup>                |
| 1008 10 00 | 35,50                                |
| 1008 20 00 | 132,73 <sup>(4)</sup>                |
| 1008 30 00 | 45,26 <sup>(5)</sup>                 |
| 1008 90 10 | <sup>(7)</sup>                       |
| 1008 90 90 | 45,26                                |
| 1101 00 00 | 236,81 <sup>(8)</sup>                |
| 1102 10 00 | 228,15 <sup>(8)</sup>                |
| 1103 11 10 | 315,89 <sup>(8)</sup>                |
| 1103 11 90 | 253,94 <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 (triticale).

<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 1536/91

of 6 June 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 June 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 7 June 1991.

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

Done at Brussels, 6 June 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 6 June 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

| CN code    | (ECU/tonne)  |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|
|            | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 |
| 0709 90 60 | 0            | 0,74            | 0,74            | 0,22            |
| 0712 90 19 | 0            | 0,74            | 0,74            | 0,22            |
| 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            | 1,49            | 1,49            | 1,49            |
| 1003 00 90 | 0            | 1,49            | 1,49            | 1,49            |
| 1004 00 10 | 0            | 0               | 0               | 0               |
| 1004 00 90 | 0            | 0               | 0               | 0               |
| 1005 10 90 | 0            | 0,74            | 0,74            | 0,22            |
| 1005 90 00 | 0            | 0,74            | 0,74            | 0,22            |
| 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    | (ECU/tonne)  |                 |                 |                 |                  |
|------------|--------------|-----------------|-----------------|-----------------|------------------|
|            | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 | 4th period<br>10 |
| 1107 10 11 | 0            | 0               | 0               | 0               | 0                |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0                |
| 1107 10 91 | 0            | 2,65            | 2,65            | 2,65            | 2,65             |
| 1107 10 99 | 0            | 1,98            | 1,98            | 1,98            | 1,98             |
| 1107 20 00 | 0            | 2,31            | 2,31            | 2,31            | 2,31             |

**COMMISSION REGULATION (EEC) No 1537/91****of 6 June 1991****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90<sup>(2)</sup>, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria<sup>(3)</sup>, as last amended by Regulation (EEC) No 728/91<sup>(4)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco<sup>(5)</sup>, as last amended by Regulation (EEC) No 729/91<sup>(6)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia<sup>(7)</sup>, as last amended by Regulation (EEC) No 413/86<sup>(8)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey<sup>(9)</sup>, as last amended by Regulation (EEC) No 730/91<sup>(10)</sup>, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon<sup>(11)</sup>;

Whereas by Regulation (EEC) No 3131/78<sup>(12)</sup>, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender<sup>(13)</sup> specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 June 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum levies on olive oil imports are fixed in Annex I.

*Article 2*

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

*Article 3*

This Regulation shall enter into force on 7 June 1991.

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

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

<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.

<sup>(4)</sup> OJ No L 80, 27. 3. 1991, p. 1.

<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.

<sup>(6)</sup> OJ No L 80, 27. 3. 1991, p. 2.

<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.

<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.

<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.

<sup>(10)</sup> OJ No L 80, 27. 3. 1991, p. 3.

<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.

<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

## Minimum import levies on olive oil

*(ECU/100 kg)*

| CN code    | Non-member countries  |
|------------|-----------------------|
| 1509 10 10 | 77,00 <sup>(1)</sup>  |
| 1509 10 90 | 77,00 <sup>(1)</sup>  |
| 1509 90 00 | 89,00 <sup>(2)</sup>  |
| 1510 00 10 | 77,00 <sup>(1)</sup>  |
| 1510 00 90 | 122,00 <sup>(3)</sup> |

<sup>(1)</sup> For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

<sup>(2)</sup> For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

<sup>(3)</sup> For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

## ANNEX II

## Import levies on other olive oil sector products

*(ECU/100 kg)*

| CN code    | Non-member countries |
|------------|----------------------|
| 0709 90 39 | 16,94                |
| 0711 20 90 | 16,94                |
| 1522 00 31 | 38,50                |
| 1522 00 39 | 61,60                |
| 2306 90 19 | 6,16                 |

## COMMISSION REGULATION (EEC) No 1538/91

of 5 June 1991

introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1906/90 of 26 June 1990 on certain marketing standards for poultry<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas Regulation (EEC) No 1906/90 enacted certain marketing standards for poultry, the application of which requires the adoption of provisions concerning in particular the list of those poultry carcasses, parts thereof and offals to which the said Regulation applies, classification by conformation, appearance and weight, types of presentation, the indication of the name under which the products in question are to be sold, the optional use of indications concerning chilling methods and the type of farming, conditions for storage and transport of certain types of poultrymeat and the supervision of these provisions in order to ensure their uniform application throughout the Community;

Whereas, in order to provide for the marketing of poultry in different classes according to conformation and appearance, it is necessary to lay down definitions relating to species, age and presentation in the case of carcasses, and anatomical conformation and content in the case of poultry cuts; whereas in the case of the product known as '*Foie gras*' the high value and consequent risk of fraudulent practices make it necessary to lay down especially precise minimum marketing standards;

Whereas it is not necessary for these standards to be applied to certain products and presentations which are of local or otherwise limited importance; whereas, however, names under which such products are sold should not be likely to mislead the consumer to a material degree by causing him to confuse these products with products which are subject to these provisions; whereas, similarly, additional descriptive terms used to qualify the names of such products should also be subject to this provision;

Whereas storage and handling temperature is of crucial importance to the maintenance of high standards of quality; whereas, therefore, it is appropriate to lay down a minimum temperature at which frozen poultrymeat products are to be kept;

Whereas the provisions of this Regulation and in particular those relating to surveillance and enforcement must

be applied uniformly throughout the Community; whereas detailed rules adopted to those ends must also be uniform; whereas it is therefore necessary to lay down common measures in the matter of sampling procedures and tolerances;

Whereas it is necessary, both in order that the consumer be provided with sufficient, unequivocal and objective information concerning such products offered for sale, and in order to secure the free movement of such products throughout the Community, to ensure that poultrymeat marketing standards take into account as far as is practicable the provisions of Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products<sup>(2)</sup>, as amended by Directive 78/891/EEC<sup>(3)</sup>;

Whereas among the indications which may optionally be used on the labelling are those concerning the method of chilling and particular types of farming; whereas the use of the latter, in the interest of consumer protection, needs to be subordinated to the respect of closely-defined criteria concerning both husbandry conditions and quantity thresholds for stating certain criteria such as age at slaughter or length of fattening period and content of certain foodstuff ingredients;

Whereas it is appropriate for the Commission to exercise permanent surveillance of the compatibility with Community law, including the marketing standards, in particular of any national measures adopted in pursuance of these provisions; whereas particular provision should also be made for the registration and regular inspection of undertakings authorized to use terms referring to particular types of farming; whereas such undertakings must therefore be obliged to maintain regular and detailed records for this purpose;

Whereas, in view of the specialized nature of these inspections, responsibility for them may be delegated by the competent authorities of the Member State concerned, subject to the appropriate supervision and safeguards, to properly qualified and duly licensed outside bodies;

Whereas operators in third countries may wish to make use of optional indications concerning chilling methods and types of farming; whereas provision should be made

(<sup>1</sup>) OJ No L 173, 6. 7. 1990, p. 1.

(<sup>2</sup>) OJ No L 46, 21. 2. 1976, p. 1.

(<sup>3</sup>) OJ No L 311, 4. 11. 1978, p. 21.

for them to do so, subject to appropriate certification by the competent authority of the third country concerned, and which appears on a list established by the Commission;

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

HAS ADOPTED THIS REGULATION:

### Article 1

The products referred to in Article 1 (2) of Regulation (EEC) No 1906/90 are hereby defined as follows:

#### 1. Poultry carcasses

##### (a) DOMESTIC FOWL (*Gallus domesticus*)

- chicken, broiler: fowl in which the tip of the sternum is flexible (not ossified),
- cock, hen, casserole or boiling fowl: fowl in which the tip of the sternum is rigid (ossified),
- capon: male fowl castrated surgically before having reached sexual maturity,
- poussin, coquelet: chicken of less than 750 g carcass weight (expressed without giblets, head and feet);

##### (b) TURKEYS (*Meleagris gallopavo dom.*)

- (young) turkey: bird in which the tip of the sternum is flexible (not ossified),
- turkey: bird in which the tip of the sternum is rigid (ossified);

##### (c) DUCKS (*Anas platyrhynchos dom., Cairina moschata*)

- (young) duck or duckling, (young) Muscovy Duck: bird in which the tip of the sternum is flexible (not ossified),
- duck, muscovy duck: bird in which the tip of the sternum is rigid (ossified);

##### (d) GESE (*Anser anser dom.*)

- (young) goose or gosling: bird in which the tip of the sternum is flexible (not ossified). The fat layer all over the carcass is thin or moderate; the fat of the young goose may have a colour indicative of a special diet,

- goose: bird in which the tip of the sternum is rigid (ossified); a moderate to thick fat layer is present all over the carcass;

##### (e) GUINEA FOWL (*Numida meleagris domesticus*)

- (young) guinea fowl: bird in which the tip of the sternum is flexible (not ossified),
- guinea fowl: bird in which the tip of the sternum is rigid (ossified).

For the purpose of this Regulation, variants of the above terms relating to sex shall be construed as equivalent.

#### 2. Poultry cuts

- (a) Half: half of the carcass, obtained by a longitudinal cut in a plane along the sternum and the backbone;
- (b) Quarter: a half divided by a transversal cut by which the leg and breast quarters are obtained;
- (c) Unseparated leg quarters: both leg quarters united by a portion of the back, with or without the rump;
- (d) Breast: the sternum and the ribs, or part thereof, distributed on both sides of it, together with the surrounding musculature. The breast may be presented as a whole or a half;
- (e) Leg: the femur, tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (f) Chicken leg with a portion of the back attached to it, the weight of the latter not to exceed 25 % of that of the cut;
- (g) Thigh: the femur together with the surrounding musculature. The two cuts shall be made at the joints;
- (h) Drumstick: the tibia and fibula together with the surrounding musculature. The two cuts shall be made at the joints;
- (i) Wing: the humerus, radius, and ulna, together with the surrounding musculature. In the case of turkey wings, humerus or radius/ulna together with the surrounding musculature may be presented separately. The tip, including the carpal bones, may or may not have been removed. The cuts shall be made at the joints;
- (j) Unseparated wings: both wings united by a portion of the back, where the weight of the latter does not exceed 45 % of that of the whole cut;
- (k) Breast fillet: the whole or half of the breast deboned, i.e. without sternum and ribs. In the case of turkey breast, the fillet may comprise the deep pectoral muscle only;

- (l) Breast fillet with wishbone: the breast fillet without skin with the clavicle and the cartilagenous point of the sternum only, the weight of clavicle and cartilage not to exceed 3 % of that of the cut.

Until 31 December 1991, in the case of products listed under (e), (g) and (h) the two cuts may be made near the joints.

Products listed under (d) to (k) may be presented with or without skin. The absence of the skin in the case of products listed under (d) to (j) or the presence of the skin in the case of the product listed under (k) shall be mentioned on the labelling within the meaning of Article 1 (3) (a) of Council Directive 79/112/EEC<sup>(1)</sup>.

### 3. Foie gras:

the livers of geese, or of ducks of the species *cairina muschata* or *c.m. x Anas platyrachos* which have been fed in such a way as to produce hepatic fatty cellular hypertrophy.

The birds from which such livers are removed shall have been completely bled, and the livers be of a uniform colour.

The livers shall be of the following weight:

- duck livers shall weigh at least 250 g net,
- goose livers shall weigh at least 400 g net.

### Article 2

1. Poultry carcasses shall, in order to be marketed in accordance with this Regulation, be presented for sale in one of the following forms:

- partially eviscerated ('effilé', 'roped'),
- eviscerated, with giblets,
- eviscerated, without giblets.

2. Partially eviscerated carcasses are carcasses from which the heart, liver, lungs, gizzard, crop, and kidneys have not been removed.

3. For all carcass presentations, if the head is not removed, trachea and oesophagus may remain in the carcass.

4. Giblets shall comprise only the following:

The heart, neck, gizzard and liver, and all other parts considered as edible by the market on which the product is intended for final consumption. Livers shall be without gall bladders. The gizzard shall be without the horned membrane, and the contents of the gizzard shall have

been removed. The heart may be with or without the pericardial sac. If the neck remains attached to the carcass, it is not considered as one of the giblets.

Where one of these four organs is customarily not included with the carcass for sale, its absence shall be mentioned on the labelling.

### Article 3

1. The names under which the products covered by this Regulation are sold, within the meaning of Article 3 (1) (1) of Directive 79/112/EEC, shall be those enumerated in Article 1 and the corresponding terms in the other Community languages listed in Annex I qualified in the case

- of whole carcasses by reference to one of the forms of presentation as laid down in Article 2 (1),
- of poultry cuts, by reference to the respective species.

2. The names defined in Article 1 (1) and (2) may be supplemented by other terms provided that the latter do not mislead the consumer to a material degree and in particular such as would lead to confusion with other products listed in Article 1 (1) and (2) or with indications provided for in Article 10.

### Article 4

Products other than those defined in Article 1 may be marketed in the Community only under names which do not mislead the consumer to a material degree by allowing confusion with those referred to in Article 1 or with indications provided for in Article 10.

### Article 5

The following additional provisions shall apply to frozen poultrymeat as defined in Article 2 (6) of Regulation (EEC) No 1906/90:

The temperature of frozen poultrymeat concerned by this Regulation must be stable and maintained, at all points in the product, at  $-12^{\circ}\text{C}$  or lower, with possibly brief upward fluctuations of no more than  $3^{\circ}\text{C}$ . These tolerances in the temperature of the product shall be permitted in accordance with good storage and distribution practice during local distribution and in retail display cabinets.

### Article 6

1. Poultry carcasses and cuts covered by this Regulation shall meet the following minimum requirements in order to be graded into classes A and B:

- intact, taking into account the presentation,

<sup>(1)</sup> OJ No L 33, 8. 2. 1979, p. 1.

- clean, free from any visible foreign matter, dirt or blood,
- free of any foreign smell,
- free of visible bloodstains except those which are small and unobtrusive,
- free of protruding broken bones,
- free of severe contusions.

In the case of fresh poultry, there shall be no traces of prior freezing.

2. In order to be graded as class A, poultry carcasses and cuts shall in addition satisfy the following criteria :

- they shall be of good conformation. The flesh shall be plump ; the breast well developed, broad, long and fleshy, and the legs shall be fleshy. On chickens, young ducks or ducklings and turkeys there shall be a thin regular layer of fat on the breast, back and thighs. On cocks, hens, ducks and young geese a thicker layer of fat is permissible. On geese a moderate to thick fat layer shall be present all over the carcass,
- a few small feathers, stubs (quill ends) and hairs (filoplumes) may be present on the breast, legs, rump, footjoints and wing tips. In the case of boiling fowl, ducks, turkeys and geese a few may also be present on other parts,
- some damage, contusion and discoloration is permitted provided that it is small and unobtrusive, and not present on the breast or legs. The wing tip may be missing. A slight redness is permissible in wing tips and follicles,
- in the case of frozen or quick-frozen poultry there shall be no traces of freezer-burn<sup>(1)</sup> except those that are incidental, small and unobtrusive and not present on the breast or legs.

#### Article 7

1. Decisions arising from failure to comply with Articles 1 and 6 may only be taken for the whole of the batch which has been checked in accordance with the provisions of this Article.

2. A batch shall be made up of all poultrymeat of the same type, the same class and the same production run or from the same slaughterhouse or cutting plant, situated in the same place, which are to be inspected.

<sup>(1)</sup> Freezer-burn : (in the sense of a reduction in quality) is the local or area-type irreversible drying up of skin and/or flesh which may show itself as changes :

- in the original colour (mostly getting paler), and/or
- in flavour and smell (flavourless or rancid), and/or
- in consistency (dry, spongy).

3. A sample consisting of the following numbers of individual products as defined in Article 1 shall be drawn at random from each batch to be inspected in slaughterhouses, cutting plants, wholesale and retail warehouses or in the case of imports from third countries at the time of customs clearance :

| Batch size   | Sample size | Tolerable number of defective units |
|--------------|-------------|-------------------------------------|
| 100 to 500   | 30          | 5                                   |
| 501 to 3 200 | 50          | 7                                   |
| > 3 200      | 80          | 10                                  |

4. In the checking of a batch of class A poultrymeat, the tolerable number of defective units referred to in paragraph 3 is allowed with regard to :

- (a) cuts not made at the joints in the case of legs, thighs, drumsticks and wings ;
- (b) presence of not more than 2 % in weight of cartilage (flexible tip of sternum) in the case of breast filet ;
- (c) presence of small and unobtrusive damage, contusion, discoloration and traces of freezer burn on breasts and legs.

5. In the checking of a batch of class B poultrymeat, the tolerable number of defective units with regard to the products mentioned under paragraph 4 (a) and (b) shall be doubled.

6. Where the checked batch is not deemed to comply, the supervising agency shall prohibit its marketing or import if the batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with Articles 1 and 6.

#### Article 8

1. Prepackaged frozen or quickfrozen poultrymeat may be classified by weight category in accordance with Article 3 (3) of Regulation (EEC) No 1906/90 in prepackages within the meaning of Article 2 of Directive 76/211/EEC.

These prepackages may be :

- prepackages containing one poultry carcass, or
- prepackages containing one or several poultry cuts of the same type and species

as defined in Article 1.

2. All prepackages shall in accordance with paragraphs 3 and 4 bear and indication of the weight of the product known as 'nominal weight' which they are required to contain.

3. Prepackages of frozen or quick-frozen poultrymeat may be classified by categories of nominal weights as follows:

- carcasses < 1 100 g: classes of 50 g (1 100 — 1 050 — 1 000 etc.),
- carcasses > 1 100 g: classes of 100 g (1 100 — 1 200 — 1 300 etc.),
- cuts: 250 g — 500 g — 750 g — 1 000 g — 1 500 g — 2 000 g — 2 500 g — 3 000 g — 5 000 g.

4. Prepackages referred to in paragraph 1 shall be made up in such a way that they satisfy the following requirements:

- the actual contents shall not be less, on average, than the nominal weight,
- the proportion of prepackages having a negative error greater than the tolerable negative error laid down in paragraphs 9 and 10 shall be sufficiently small for batches of prepackages to satisfy the requirements of the tests specified in paragraph 11,
- no prepackage having a negative error greater than twice the tolerable negative error given in paragraphs 9 and 10 shall be marketed.

The definitions of nominal weight, actual content and negative error laid down in Annex I to Directive 76/211/EEC shall apply to this Regulation.

5. Regarding responsibility of the packer or importer of frozen or quick-frozen poultrymeat and checks to be carried out by competent authorities, points 4,5 and 6 of Annex I to Directive 76/211/EEC apply *mutatis mutandis*.

6. The checking of prepackages shall be carried out by sampling and shall be in two parts:

- a check covering the actual content of each prepackage in the sample,
- a check on the average actual contents of the prepackages in the sample.

A batch of prepackages shall be considered acceptable if the results of both these checks satisfy the acceptance criteria referred to in paragraphs 11 and 12.

7. A batch shall be made up of all the prepackages of the same nominal weight, the same type and the same production run, packed in the same place, which are to be inspected.

The batch size shall be limited to the quantities laid down below:

- when prepackages are checked at the end of the packing line, the number in each batch shall be equal to the maximum hourly output of the packing line, without any restriction as to batch size;
- in other cases the batch size shall be limited to 10 000.

8. A sample consisting of the following numbers of prepackages shall be drawn at random from each batch to be inspected:

| Batch size   | Sample size |
|--------------|-------------|
| 100 to 500   | 30          |
| 501 to 3 200 | 50          |
| > 3 201      | 80          |

For batches of fewer than 100 prepackages, the non-destructive test, within the meaning of Annex II to Directive 76/211/EEC, where carried out, shall be 100 %.

9. In the case of prepackaged individual carcasses, the following tolerable negative errors are permitted:

(in g)

| Nominal weight  | Tolerable negative error |
|-----------------|--------------------------|
| less than 1 100 | 25                       |
| 1 100 and more  | 50                       |

10. In the case of prepackaged poultry cuts, the following tolerable negative errors apply:

| Nominal weight<br>(in g) | Tolerable negative error |        |
|--------------------------|--------------------------|--------|
|                          | (in g)                   | (in %) |
| 250                      | 9                        |        |
| 500                      | 15                       |        |
| 750                      | 15                       |        |
| 1 000                    |                          | 1,5    |
| 1 500                    |                          | 1,5    |
| 2 000                    |                          | 1,5    |
| 2 500                    |                          | 1,5    |
| 3 000                    |                          | 1,5    |
| 5 000                    |                          | 1,5    |

11. For the checking of the actual content of each prepackage in the sample, the minimum acceptable content shall be calculated by subtracting the tolerable negative error for the contents concerned from the nominal weight of the prepackage.

The prepackages in the sample whose actual contents are less than the minimum acceptable content shall be considered defective.

The batch of prepackages checked shall be considered acceptable or rejected, if the number of defective units found in the sample is less than or equal to the acceptance criterion or equal to or greater than the criterion for rejection shown below:

| Number in sample | Number of defective units |                     |
|------------------|---------------------------|---------------------|
|                  | Acceptance criterion      | Rejection criterion |
| 30               | 2                         | 3                   |
| 50               | 3                         | 4                   |
| 80               | 5                         | 6                   |

12. For the checking of the average actual contents, a batch of prepackages shall be considered acceptable, if the average actual content of the prepackages forming the sample is greater than the acceptance criterion shown below:

| Sample size | Acceptance criterion for average actual content |
|-------------|-------------------------------------------------|
| 30          | $\bar{x} \geq Q_n - 0,503s$                     |
| 50          | $\bar{x} \geq Q_n - 0,379s$                     |
| 80          | $\bar{x} \geq Q_n - 0,295s$                     |

$\bar{x}$  = average actual content of prepackages,

$Q_n$  = nominal quantity of the prepackage,

$s$  = standard deviation of the actual contents of the prepackages in the batch.

The standard deviation shall be estimated as set out under point 2.3.2.2 of Annex II to Directive 76/211/EEC.

13. The provisions of Article 4 (4) of Directive 76/211/EEC apply.

#### Article 9

An indication of the use of one of the methods of chilling defined hereafter and the corresponding terms in the other Community languages listed in Annex II may appear on the labelling within the meaning of Article 1 (3) (a) of Directive 79/112/EEC:

— air chilling: chilling of poultry carcasses in cold air,

— air-spray chilling: chilling of poultry carcasses in cold air interspersed with waterhaze or fine water spray,

— immersion chilling: chilling of poultry carcasses in tanks of water or of ice and water, in accordance with the counterflow process as defined in Council Directive 71/118/EEC<sup>(1)</sup>, Annex I, Chapter V, points 28 (a) and (b).

#### Article 10

1. In order to indicate types of farming with the exception of organic or biological farming, only the terms set out hereunder and the corresponding terms in the other Community languages listed in Annex III may appear on the labelling within the meaning of Article 1 (3) (a) of Directive 79/112/EEC if the relevant conditions specified in Annex IV are fulfilled:

- (a) 'Fed with ... % of ...';
- (b) 'Extensive indoor' ('Barn reared');
- (c) 'Free range'
- (d) 'Traditional free range'
- (e) 'Free range — total freedom'.

These terms may be supplemented by indications referring to the particular characteristics of the respective types of farming.

2. Mention of the age at slaughter or length of fattening period shall be permitted only when use is made of one of the terms referred to in paragraph 1 and for an age of not less than that indicated in Annex IV (b), (c) or (d). However, this provision does not apply in the case of poussins.

3. These provisions shall apply without prejudice to national technical measures going beyond the minimum requirements given in Annex IV, which are applicable only to producers of the Member State concerned, provided that they are compatible with Community law and are in conformity with the common marketing standards for poultrymeat.

4. The national measures referred to in paragraph 3 shall be communicated to the Commission.

5. At any time and at the request of the Commission, Member States shall provide all the information necessary for assessing the compatibility of the measures referred to in this Article with Community law and their conformity with the common marketing standards for poultrymeat.

<sup>(1)</sup> OJ No L 55, 8. 3. 1971, p. 23.

*Article 11*

1. Slaughterhouses authorized to use the terms referred to in Article 10 shall be subject to special registration. They shall keep a separate record, by type of farming :

- of the names and addresses of the producers of such birds, who shall be registered following an inspection by the competent authority of the Member State,
- at the request of this authority the number of birds kept by each producer per turnround.

2. The said producers shall subsequently be inspected regularly. They shall keep current records of the number of birds by type of poultry system showing also the number of birds sold and the name of the purchasers.

3. Regular inspections regarding compliance with Articles 10 and 11 shall be carried out at the

- farm : at least once per turnround,
- feed mill : at least once per feed formula used, and in any event at least once a year,
- slaughterhouse : at least four times per year,
- hatchery : at least once per year for the types of farming referred to in Article 10 (1) (d) and (e).

4. Each Member State shall provide the other Member States and the Commission before 1 July 1991 with a list of the approved slaughterhouse registered according to paragraph 1, showing the name and address and the number allotted to each of them. Any alteration of that list shall be communicated at the beginning of each quarter of the calendar year to the other Member States and the Commission.

*Article 12*

In the case of supervision of the indication of the type of farming used as referred to in Article 5 (6), second para-

graph of Regulation (EEC) No 1906/90 bodies designated by the Member States shall comply with the criteria set out in European Norm No En/45011 of 26 June 1989, and as such shall be licensed and supervised by the competent authorities of the Member State concerned.

*Article 13*

Poultrymeat imported from third countries may bear one or more of the optional indications provided for in Articles 9 or 10 if it is accompanied by a certificate issued by the competent authority of the country of origin attesting to the compliance of the products in question with the relevant provisions of this Regulation.

On request from a third country to the Commission, a list of such authorities shall be established by the Commission.

*Article 14*

The names of the products and other terms provided for in this Regulation shall be indicated at least in the language or languages of the Member State in which retailing or any other use takes place.

*Article 15*

This Regulation shall enter into force on 20 June 1991. It shall apply from 1 July 1991. However, until 31 December 1991 operators may pack products covered by this Regulation in packing material bearing indications provided for in Community or national legislation applicable before the entry into force of this Regulation. These products may then be marketed until 31 December 1992.

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

Done at Brussels, 5 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX I

## ARTICLE 1 (1) — NAMES OF POULTRY CARCASSES

|    | E                                            | F                                                   | D                                        | DK                        | ESP                                              | GR                                                   | I                                      | NL                                    | P                                |
|----|----------------------------------------------|-----------------------------------------------------|------------------------------------------|---------------------------|--------------------------------------------------|------------------------------------------------------|----------------------------------------|---------------------------------------|----------------------------------|
|    | Chicken, broiler                             | Poulet (de chair)                                   | Hähnchen                                 | Kylling, slagtekylling    | Pollo (de carne)                                 | Κοτόπουλο<br>Πτερυγοί και κόττες<br>(κρεατοπαραγωγή) | Pollo, « Broiler »                     | Kuiken, braadkuiken                   | Frango                           |
| 2. | Cock, hen, casserole, or boiling fowl        | Coq, poule (à bouillir)                             | Suppenhuhn                               | Hane, høne, suppehøne     | Gallo, gallina                                   | Πτερυγοί και κόττες<br>(για δρόσιμο)                 | Gallo, gallina<br>Pollame da brodo     | Haan, hen, soep-<br>of stoofkip       | Galo, galinha                    |
| 3. | Capon                                        | Chapon                                              | Kapaun                                   | Kapun                     | Capón                                            | Καπόνια                                              | Cappone                                | Kapoen                                | Capão                            |
| 4. | Poussin, Coquelet                            | Poussin, coquelet                                   | Stubenküken                              | Poussin, Coquelet         | Polluelo                                         | Νεοσσός, πτερινάρι                                   | Galletto                               | Piepkuiken                            | Pinto, coquelet                  |
| 1. | (Young) turkey                               | Dindonneau, (jeune) dinde                           | (Junge) Pute, (Junger) Truthahn          | (Mini)kalkun              | Pavo (joven)                                     | (Νεαροί) γάλου και γαλοπούλες                        | (Giovane) tacchino                     | (Jonge) kalkoen                       | Peru                             |
| 2. | Turkey                                       | Dinde (à bouillir)                                  | Pute, Truthahn                           | Avskalkun                 | Pavo                                             | Γάλου και γαλοπούλες                                 | Tacchino/a                             | Kalkoen                               | Peru adulto                      |
| 1. | (Young) duck, duckling, (Young) Muscovy duck | (Jeune) canard, caneton, (jeune) canard de Barbarie | Frühmastente, Jungente, (Junge) Flugente | (Ung) and (Ung) berberand | Pato (joven o anadino), pato de Barberia (joven) | (Νεαρές) πάπιες ή πατάκια                            | (Giovane) anatra (Giovana) anatra muta | (Jonge) eend, (jonge) Barbarijse eend | Pato, Pato Barbary               |
| 2. | Duck                                         | Canard, canard de Barbarie (à bouillir)             | Ente, Flugente                           | Avlsand Berberand         | Pato, pato de Barberia                           | Πάπιες                                               | Anatra Anatra muta                     | Eend                                  | Pato adulto, Pato adulto Barbary |
| 1. | (Young) goose, gosling                       | (Jeune) oie ou oison                                | Frühmastgans, (Junge) Gans               | (Ung) gås                 | Oca (joven), ansarón                             | (Νεαρές) χήνες ή χηνάκια                             | (Giovane) oca                          | (Jonge) gans                          | Ganso                            |
| 2. | Goose                                        | Oie                                                 | Gans                                     | Avlsgås                   | Oca                                              | Χήνες                                                | Oca                                    | Gans                                  | Ganso adulto                     |
| 1. | (Young) guinea fowl                          | (Jeune) pintade Pintadeau                           | (Junges) Perlhuhn                        | (Ung) perlehenne          | Pintada (joven)                                  | (Νεαρές) φραγκόκοττες                                | (Giovane) faraona                      | (Jonge) parelhoen                     | Pintada                          |
| 2. | Guinea fowl                                  | Pintade                                             | Perlhuhn                                 | Avlsperlehenne            | Pintada                                          | Φραγκόκοττες                                         | Faraona                                | Parelhoen                             | Pintada adulta                   |

## ARTICLE 1 (2) — NAMES OF POULTRY PARTS

|                                            | E | F                                        | D                                   | DK                               | ESP                             | GR                                           | I                                         | NL                               | P                                               |
|--------------------------------------------|---|------------------------------------------|-------------------------------------|----------------------------------|---------------------------------|----------------------------------------------|-------------------------------------------|----------------------------------|-------------------------------------------------|
| (a) Half                                   |   | Demi ou moitié                           | Halfte oder Halbes                  | Halvt                            | Medio                           | Μισιά                                        | Metà                                      | Helft                            | Metade                                          |
| (b) Quarter                                |   | Quart                                    | (Vorder-, Hinter-) Viertel          | Kvart                            | Cuarto                          | Τεταρτημόριο                                 | Quarto                                    | Kwart                            | Quarto                                          |
| (c) Unseparated leg quarters               |   | Quarts postérieurs non séparés           | Hinterviertel am Stück              | Sammenhængende lårstykke         | Cuartos traseros unidos         | Αδιαχώριστα τεταρτημόρια ποδιών              | Cosciotto                                 | Niet-gescheiden achterkwarten    | Quartos de coxa não separados                   |
| (d) Breast                                 |   | Poitrine, blanc ou filet sur os          | Brust, halbe Brust, halbierte Brust | Bryst                            | Pechuga                         | Στήθος                                       | Petto con osso                            | Borst                            | Peito                                           |
| (e) Leg                                    |   | Cuisse                                   | Schenkel, Keule                     | Helt lår                         | Muslo y contra-muslo            | Πόδι                                         | Coscia                                    | Hele poot, hele dij              | Perna inteira                                   |
| (f) Chicken leg with a portion of the back |   | Cuisse de poulet avec une portion du dos | Hähnchenschenkel mit Rückenstück    | Kyllingelår med en del af ryggen | Cuarto trasero de pollo         | Πόδι από κοτό-πουλο με ένα κομμάτι της ράχης | Coscetta                                  | Poot/dij met rug-deel (bout)     | Perna inteira de frango com uma porção do dorso |
| (g) Thigh                                  |   | Haut de cuisse                           | Oberschenkel, Oberkeule             | Overlår                          | Contramuslo                     | Μηρός (πυγούρι)                              | Sovraccoscia                              | Bovenpoot, boven-dij             | Coxa                                            |
| (h) Drumstick                              |   | Pilon                                    | Unterschenkel, Unterkeule           | Underlår                         | Muslo                           | Κνήμη                                        | Fuso                                      | Onderpoot, onder-dij (Drumstick) | Perna                                           |
| (i) Wing                                   |   | Aile                                     | Flügel                              | Vinge                            | Ala                             | Φτερούγα                                     | Ala                                       | Vleugel                          | Asa                                             |
| (j) Unseparated wings                      |   | Ailes non séparées                       | Beide Flügel, ungetrennt            | Sammenhængende vinger            | Alas unidas                     | Αδιαχώριστες φτερούγες                       | Ali non separate                          | Niet-gescheiden vleugels         | Asas não separadas                              |
| (k) Breast fillet                          |   | Filet de poitrine, blanc, filet, noix    | Brustfilet, Filet aus der Brust     | Brystfilet                       | Filete de pechuga               | Φιλέτο στήθους                               | Filetto, fesa (taccchino)                 | Borstfilet                       | Carne de peito                                  |
| (l) Breast fillet with wishbone            |   | Filet de poitrine avec clavicle          | Brustfilet mit Schlüsselbein        | Brystfilet med ønskeben          | Filete de pechuga con clavícula | Φιλέτο στήθους με κλειδοκόκαλο               | Petto (con forcella), fesa (con forcella) | Borstfilet met vorkbeen          | Carne de peito com fúrcula                      |

## ANNEX II

## ARTICLE 9 — CHILLING METHODS

|    | E                  | F                                      | D                       | DK                | ESP                                   | GR              | I                                            | NL                    | P                                      |
|----|--------------------|----------------------------------------|-------------------------|-------------------|---------------------------------------|-----------------|----------------------------------------------|-----------------------|----------------------------------------|
| 1. | Air chilling       | Refroidissement à l'air                | Luftkühlung             | Luftkøling        | Refrigeración por aire                | Ψύξη με αέρα    | Raffreddamento ad aria                       | Luchtkoeling          | Refrigeração por ventilação            |
| 2. | Air spray chilling | Refroidissement par aspersion ventilée | Luft-Sprüh-Kühlung      | Luftspraykøling   | Refrigeración por aspersión ventilada | Ψύξη με ψεκασμό | Raffreddamento per asperzione e ventilazione | Lucht-sproei-koe-ling | Refrigeração por aspersão e ventilação |
| 3. | Immersion chilling | Refroidissement par immersion          | Gegenstrom-Tauchkühlung | Neddypningskøling | Refrigeración por inmersión           | Ψύξη με δόμηση  | Raffreddamento per immersione                | Dompelkoeling         | Refrigeração por imersão               |

## ANNEX III

## ARTICLE 10 (1) — TYPES OF FARMING

|     | E                                       | F                                                    | D                                   | DK                                      | ESP                                             | GR                                                       | I                                                          | NL                                                             | P                                                        |
|-----|-----------------------------------------|------------------------------------------------------|-------------------------------------|-----------------------------------------|-------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|
| (a) | Fed with ... % of ...<br>Oats fed goose | Alimenté avec ... % de ...<br>Oie nourrie à l'avoine | Mast mit ... % ...<br>Hafermastgans | Fodret med ... % ...<br>Havrefodret gås | Alimentado con ... %<br>Oca engordada con avena | Έχει τρῶφει με ... % ...<br>Χήνα που παχυνεται με δρόμην | Alimentato con il ... % di ...<br>Oca ingrassata con avena | Gevoed met ... %<br>...<br>Met haver vetge-meste gans          | Alimentado com ... % de ...<br>Ganso engordado com aveia |
| (b) | Extensive indoor (Barn-reared)          | Élevé à l'intérieur : système extensif               | Extensive Bodenhaltung              | Ekstensivt staldopdræt (skrabe ...)     | Sistema extensivo en gallinero                  | Εκτακτικής εκτροφής                                      | Estensivo al coperto                                       | Scharrel ...                                                   | Produção extensiva em interior                           |
| (c) | Free range                              | Sortant à l'extérieur                                | Auslaufhaltung                      | Frigående                               | Gallinero con salida libre                      | Ελεύθερης βοσκής                                         | All'aperto                                                 | Scharrel ... met uitloop                                       | Produção em semi-liberdade                               |
| (d) | Traditional free range                  | Fermier-élevé en plein air                           | Bäuerliche Auslaufhaltung           | Frilands ...                            | Granja al aire libre                            | Πτηνοτροφείο περριορισμένης βοσκής                       | Rurale all'aperto                                          | Boerderij ... met uitloop<br>Hoeve ... met uitloop             | Produção ao ar livre                                     |
| (e) | Free range — total freedom              | Fermier-élevé en liberté                             | Bäuerliche Freilandhaltung          | Frilands ... opdrættet i fuld frihed    | Granja de cría en libertad                      | Πτηνοτροφείο απεριοριστης τροφής                         | Rurale in libertà                                          | Boerderij ... met vrije uitloop<br>Hoeve ... met vrije uitloop | Produção em liberdade                                    |

## ANNEX IV

(a) **Feed ration :**

Reference to the following particular feed ingredients may only be made where :

- in the case of cereals, they account for at least 65 % in weight of the feed formula given during the greater part of the fattening period, which may include not more than 15 % of cereal by-products ; however, where reference is made to one specific cereal, it shall account for at least 35 % of the feed formula used, and for at least 50 % in the case of maize,
- in the case of pulses or green vegetables they account for at least 5 % in weight of the feed formula given during most of the fattening period,
- in the case of dairy products, they account for at least 5 % in weight of the feed formula given during the finishing stage.

The term 'oats fed goose' may however be used where the geese are fed during the finishing stage of three weeks not less than 500 g of oats per day.

(b) **'Extensive indoor' ('Barn reared') :**

This term may only be used where :

- the stocking rate per square metre floor space does not exceed in the case of :
  - chickens : 12 birds but not more than 25 kg liveweight,
  - ducks, guinea fowl, turkeys : 25 kg liveweight,
  - geese : 15 kg liveweight,
- the birds are slaughtered in the case of :
  - chickens at 56 days or later,
  - turkeys at 70 days or later,
  - geese at 112 days or later,
  - Peking ducks : 49 days or later,
  - Muscovy ducks : 77 days or later for females,  
84 days or later for males,
  - guinea fowl : 82 days or later.

(c) **Free range :**

This term may only be used where :

- the stocking rate in the house and the age of slaughter are in accordance with the limits fixed under (b), except for chickens, for which the stocking rate may be increased to 13, but not more than 27,5 kg liveweight per m<sup>2</sup>,
- the birds have had during at least half their lifetime continuous daytime access to open-air runs comprising an area mainly covered by vegetation of not less than :
  - 1 m<sup>2</sup> per chicken or guinea fowl,
  - 2 m<sup>2</sup> per duck,
  - 4 m<sup>2</sup> per turkey or goose,
- the feed formula used in the fattening stage contains at least 70 % of cereals,
- the poultryhouse is provided with popholes of a combined length equal to or greater than that of a longer side of the house in the case of chickens.

(d) **Traditional free range :**

This term may only be used where :

- the indoor stocking rate per m<sup>2</sup> does not exceed in the case of :
  - chickens : 12 but not more than 25 kg liveweight ; however, in the case of mobile houses not exceeding 150 m<sup>2</sup> floor space and which remain open at night, the stocking rate may be increased to 20, but not more than 40 kg liveweight per m<sup>2</sup>,
  - capons : 6,25 (up to 81 days of age : 12) but not more than 25 kg liveweight,
  - Muscovy ducks : 8 males but not more than 28 kg liveweight  
10 females but not more than 20 kg liveweight,

- guinea fowl : 13 but not more than 20 kg liveweight
  - turkeys : six (up to seven weeks of age : 10) but not more than 25 kg liveweight,
  - geese : three if finished in clausturation during last three weeks of fattening (up to seven weeks of age : 10) but not more than 15 kg liveweight,
  - the total usable area of poultryhouses at any single production site does not exceed 1 600 m<sup>2</sup>,
  - each poultryhouse does not contain more than :
    - 4 800 chickens,
    - 5 200 guinea fowl in houses with access to free range or 2 000 in perchery houses,
    - 4 000 female Muscovy ducks or 3 200 male Muscovy ducks,
    - 2 500 capons, geese and turkeys,
  - there is continuous day-time access to open-air runs at least as from the age of :
    - six weeks in the case of chickens, and capons,
    - eight weeks in the case of ducks, geese, guinea fowl and turkeys.
  - open-air runs comprise an area mainly covered by vegetation amounting to at least :
    - 2 m<sup>2</sup> per chicken or duck or guinea fowl,
    - 4 m<sup>2</sup> per capon,
    - 6 m<sup>2</sup> per turkey,
    - 10 m<sup>2</sup> per goose.
- In the case of guinea fowls, open-air runs may be replaced by a perchery having a floor surface of at least double that of the house and a height of at least 2 m, equipped with perches of at least 10 cm length per bird,
- the birds fattened are of a strain recognized as being slow growing,
  - the feed formula used in the fattening stage contains at least 70 % of cereals,
  - the minimum age at slaughter is :
    - 81 days for chickens,
    - 150 days for capons,
    - 77 days for female Muscovy ducks,
    - 84 days for male Muscovy ducks,
    - 94 days for guinea fowl,
    - 140 days for turkeys and roasting geese,
    - 102 days for geese intended for the production of *foie gras* and 'magret'.

(e) **Free-range — total freedom :**

The use of this term shall require conformity with the criteria set out under (d), except that the birds shall have continuous day-time access to open-air runs of unlimited area.

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## COMMISSION REGULATION (EEC) No 1539/91

of 6 June 1991

fixing for the 1991 marketing year the Community offer prices for table grapes  
applicable with regard to Spain and Portugal

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 Regulations (EEC) No 3709/89<sup>(1)</sup> and (EEC) No 3648/90<sup>(2)</sup> laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) thereof,

Whereas, Commission Regulation (EEC) No 3830/90<sup>(3)</sup> lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain,

Whereas, pursuant to Article 152 and Article 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries; whereas, Community offer prices for table grapes coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 21 July up to and including 20 November;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or more periods and a Community offer prices should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulations (EEC) No 3709/89 and (EEC) No 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet Quality Class I requirements and conditions laid down as regard packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it is not to be taken into account;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for table grapes for the period 21 July to 20 November 1991;

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

HAS ADOPTED THIS REGULATION:

## Article 1

For the 1991 marketing year, the Community offer prices for table grapes (CN codes 0806 10 15 and 0806 10 19) applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

|                          |        |
|--------------------------|--------|
| — 21 July to 31 August:  | 51,92  |
| — September and October: | 49,20  |
| — 1 to 20 November:      | 44,87. |

## Article 2

This Regulation shall enter into force on 21 July 1991.

<sup>(1)</sup> OJ No L 363, 13. 12. 1989, p. 3.

<sup>(2)</sup> OJ No L 362, 27. 12. 1990, p. 16.

<sup>(3)</sup> OJ No L 366, 29. 12. 1990, p. 43.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1540/91

of 6 June 1991

fixing for the 1991 marketing year the reference prices for table grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 3920/90 <sup>(2)</sup>, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas table grapes are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas table grapes harvested during a given crop year are marketed from May to April of the next year; whereas the quantities harvested in May and June, during the first 20 days of July and also January to April of the next year are so small that there is no need to fix reference prices for these periods; whereas, due principally to developments in production techniques, a relatively large increase in the marketing of Community products during the last 10 days of November and in the month of December can be expected; whereas, however, the figures at present available are insufficiently conclusive to justify fixing a reference price for that period; whereas, reference prices should be fixed only for the period 21 July to 20 November inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

— the increase in production costs for fruit and vegetables, less productivity growth, and

— the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1991 marketing year, the reference prices for table grapes, falling within CN codes 0806 10 15 and 0806 10 19, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

|                        |        |
|------------------------|--------|
| 21 July to 31 August:  | 51,92, |
| September and October: | 49,20, |
| November (1 to 20):    | 44,87. |

*Article 2*

This Regulation shall enter into force on 21 July 1991.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 375, 31. 12. 1990, p. 17.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1541/91

of 6 June 1991

concerning applications for STM licences for cereals submitted from 1 to 3 June 1991 for imports of common wheat into Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 1367/91 of 24 May 1991 laying down detailed rules for applying the supplementary trade mechanism (STM) to imports of cereals into Portugal <sup>(1)</sup> sets a target ceiling of 220 000 tonnes for common wheat to be broken down into equal monthly quantities over the period from 1 June to 30 November 1991 ;

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) <sup>(2)</sup>, as last amended by Regulation (EEC) No 3296/88 <sup>(3)</sup>, the Commission has been notified of applications received on 3 June 1991 for STM licences for imports of common wheat into Portugal which are

well in excess of the ceiling set ; whereas measures should be taken to deal with this situation,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. Applications for STM licences for common wheat falling within CN code 1001 90 99 which were submitted from 1 to 3 June 1991 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of 0,9166.

2. The issue of STM licences concerning imports of common wheat into Portugal for applications received from 4 to 30 June 1991 is hereby suspended.

*Article 2*

This Regulation shall enter into force on 7 June 1991.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 130, 25. 5. 1991, p. 31.

<sup>(2)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(3)</sup> OJ No L 293, 27. 10. 1988, p. 7.

## COMMISSION REGULATION (EEC) No 1542/91

of 6 June 1991

introducing a countervailing charge on fresh lemons originating in Israel

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 3920/90<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1438/91 of 30 May 1991 fixing for the 1991/92 marketing year the reference prices for fresh lemons<sup>(3)</sup> fixed the reference price for products of class I for the month of June 1991 at ECU 54,59 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72 according to the dispositions of Regulation (EEC) No 3982/89 of 20 December 1989 altering the entry price for citrus fruit originating in certain Mediterranean third countries<sup>(4)</sup>; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74<sup>(5)</sup>, as last amended by

Regulation (EEC) No 3811/85<sup>(6)</sup>, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Israel, the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(8)</sup>,
- for 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 previous indent,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of ECU 2,59 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Israel

*Article 2*

This Regulation shall enter into force on 8 June 1991.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 375, 31. 12. 1990, p. 17.

<sup>(3)</sup> OJ No L 137, 31. 5. 1991, p. 25.

<sup>(4)</sup> OJ No L 380, 29. 12. 1989, p. 24.

<sup>(5)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 1.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1543/91

of 6 June 1991

applying the duty in the Common Customs Tariff to fresh lemons originating in Israel

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 1627/75 of 26 June 1975 on imports of fresh lemons originating in Israel<sup>(1)</sup>, and in particular Article 5 thereof;

Whereas Article 8 of Protocol I to the Agreement between the European Economic Community and Israel provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Israel; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 3920/90;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(2)</sup>, as last amended by Regulation (EEC) No 1119/89<sup>(3)</sup>;

Whereas Regulation (EEC) No 1627/75 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24(2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1627/75;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3(1) of Council Regulation (EEC) No 1676/85<sup>(4)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(5)</sup>,
- for 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 previous indent,

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Israel indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1627/75 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 8 June 1991 the duty in the Common Customs Tariff shall be applied to fresh lemons (CN code ex 0805 30 10) imported into the Community and originating in Israel.

*Article 2*

This Regulation shall enter into force on 8 June 1991.

<sup>(1)</sup> OJ No L 165, 28. 6. 1975, p. 9.

<sup>(2)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(3)</sup> OJ No L 375, 31. 12. 1990, p. 17.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(5)</sup> OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1544/91

of 6 June 1991

amending Regulation (EEC) No 641/86 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular article 252, paragraph 3,

Whereas Council Regulation (EEC) No 569/86 of 25 February 1986<sup>(1)</sup>, lays down general rules for the application of the supplementary mechanism applicable to trade as last amended by Regulation (EEC) No 3296/88<sup>(2)</sup>;

Whereas Commission Regulation (EEC) No 574/86<sup>(3)</sup>, as last amended by Regulation (EEC) No 3296/88 lays down the detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 641/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession<sup>(4)</sup>, as last amended by Regulation (EEC) No 3824/90<sup>(5)</sup> fixed, *inter alia*, in respect of certain products processed from fruit and vegetables, the indicative ceilings provided for in Article 251 (1) of the Act of Accession for the period 1 January to 31 December 1991;

Whereas the indicative ceilings fixed for 1991 for provisionally conserved fruits and for jams have been exceeded; whereas this excess does not disturb the Portuguese

market; whereas the ceiling may be revised in accordance with Article 252 (3) (a) of the Act of Accession, if the market concerned has not suffered significant disturbance following the trend in the imports in question; whereas for provisionally conserved fruits and for jams the ceiling needs to be increased by 50 % for 1991;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex I of Regulation (EEC) No 641/86 the following amounts are modified as follows:

- the ceiling of '455' tonnes for CN code 0812, is replaced by an amount of '683 tonnes',
- the ceiling of '486' tonnes for CN code 2007, is replaced by an amount of '729 tonnes'

*Article 2*

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

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(4)</sup> OJ No L 60, 1. 3. 1986, p. 34.

<sup>(5)</sup> OJ No L 366, 29. 12. 1990, p. 51.

## COMMISSION REGULATION (EEC) No 1545/91

of 6 June 1991

laying down detailed rules for the application of Council Regulation (EEC) No 598/91 for the supply of pigmeat intended for the people of the Soviet Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 598/91 of 5 March 1991 on urgent action for the supply of agricultural products intended for the people of the Soviet Union<sup>(1)</sup> and in particular Article 5 (2) thereof;

Whereas Regulation (EEC) No 598/91 provides for urgent action for the supply of agricultural products intended for the people of the Soviet Union; whereas that country has requested the supply of canned processed pigmeat; whereas this request should be granted;

Whereas, taking into consideration the particular requirements of the supply as regards transport and distribution to the destination, the costs concerning the manufacture of the products should be determined separately, by tender, in order to organize at a second occasion the dispatch of the products to the institutions and collective beneficiaries;

Whereas by virtue of the detailed rules of Regulation (EEC) No 598/91 it would be as well to determine the conditions by which the tender may be participated in, the attribution of the supply as well as the obligations of the tenderers responsible for the manufacture of the products;

Whereas, in order to ensure that the supplies are effected properly, the conditions for lodging securities should be determined together with the necessary detailed rules for the implementation of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products<sup>(2)</sup> as last amended by Regulation (EEC) No 3745/89<sup>(3)</sup>;

Whereas, the manufacture and the packaging of the products should be submitted to a practised control by the intervention agencies of the Member States, taking into consideration their experience;

Whereas, on application of Article 2, subparagraph 4 of Regulation (EEC) No 598/91, no export refund shall be granted, or monetary compensatory amounts applied, in respect of the products supplied under this action;

Whereas, the appropriate communications to best assure the following of operations until the taking-over by the agency or enterprise charged with the dispatch to the destination should be foreseen;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee foreseen in Article 5 (2) of Regulation (EEC) No 598/91,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A tendering procedure is hereby initiated for the supply of 5 000 tonnes of canned processed pigmeat (weight of processed meat) for the people of the Soviet Union pursuant to the Regulation (EEC) No 598/91 and in accordance with the conditions laid down in this Regulation.

2. The delivery shall comprise:

— the processing in the Community of the product specified in Annex I which shall be of Community origin and is produced in a Community-approved processing establishment as set out in Meat Product Council Directive 77/99/EEC<sup>(4)</sup>,

— the said product being packed in cans between 200 grams and 2 000 grams (weight of processed meat) and packaged in standard export cartons. Each can and carton shall be indelibly marked in Russian and in the official language of one of the Member States which is providing the produce 'Community aid for the Soviet Union — Commission Regulation (EEC) No 1545/91'. The labelling of the product shall also include:

- the list of ingredients,
- the name of the product,
- net content,
- the name and address of the manufacturer,
- the veterinary approval number of the processing establishment,

— the completion of manufacture of the amount of product tendered for before 31 August 1991,

<sup>(1)</sup> OJ No L 67, 14. 3. 1991, p. 19.

<sup>(2)</sup> OJ No L 205, 3. 8. 1985, p. 5.

<sup>(3)</sup> OJ No L 364, 14. 12. 1989, p. 54.

<sup>(4)</sup> OJ No L 26, 31. 1. 1977, p. 85.

- the storage at the manufacturer's expense until the taking-over of the product by the organization designated by the Commission until 15 September 1991 inclusive,
- the undertaking to expedite as far as possible the production of the amount of product tendered for with a view to completing its production and take-over by dates before those specified above, at the request of the organization designated by the Commission.

### Article 2

1. Applicants must be natural or legal persons who, at the request of the competent authorities must prove that they have been active in the pigmeat sector for at least the preceding twelve months. This latter requirement shall not apply to applicants established for at least 12 months in the territory of the former German Democratic Republic.

2. Tenderers may participate in the tendering procedure as follows: tenders shall be sent by telecommunication (telex or telex) in written form. Tenders must be lodged in their entirety before 12 noon (Brussels time), 19 June 1991 at the following address:

Commission of the European Communities, DG VI.D.3, Pigs, Eggs and Poultry Division,  
rue de la Loi 120, Office 8/67, B-1049 Brussels; (telex 22037 AGREC B; telefax Brussels 235 33 10).

In the case where no award is granted according to Article 3 (1) second indent, tenders must be lodged for a second submission before 12 noon (Brussels time), 3 July 1991.

3. Tenders shall be valid only if the following elements are presented in the following order:

- (a) they refer clearly to the delivery provided for in Article 1 of this Regulation;
- (b) they indicate the name, address, telex and/or telefax numbers of the tenderer established in the Community;
- (c) each tender refers to a lot or lots of 400 tonnes (weight of product);
- (d) they specify an amount in ecus per tonne for effecting the supply of each lot of produce to be tendered for, this amount reflecting the cost of packaging in the form set out in Article 1 (2);
- (e) they indicate the precise address of the storehouse at which the supply is to be placed at the disposal of the organization designated by the Commission indicated in Article 1 (2), fourth indent. Each tender may only refer to one such storehouse;
- (f) they are accompanied by proof that the tenderer has lodged a tendering security of ECU 15 per tonne in favour of the Commission of the European Communi-

ties, conforming to the dispositions of Title III of Regulation (EEC) No 2220/85. This proof may be furnished by a document issued by the guarantor.

A tender which is not submitted in accordance with the provisions of this Article or which contains conditions other than those laid down in respect of the tendering procedure shall not be valid.

No tender may be changed or withdrawn.

### Article 3

1. On the basis of the tenders received:

- the delivery shall be awarded to the tenderer or tenderers whose tender or tenders quote the lowest amounts,
- or, where necessary, no delivery shall be granted, in particular where the tenders submitted exceed the prices normally obtaining on the market.

2. Within five working days following the closing date for submission of tenders, the Commission of the European Communities shall inform all tenderers by written telecommunication of the outcome of the tendering procedure. Where an award is granted the successful tenderer shall be informed thereof immediately by written telecommunication.

### Article 4

1. The tendering security provided for in Article 2 (3) (f) shall be released without delay if a tender is not accepted or if no award is granted.

2. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be:

- (a) for tenderers: the maintenance of their tender until the decision provided in Article 3 (1) has been adopted;
- (b) for the successful tenderer: the lodging of the delivery security in accordance with Article 5.

### Article 5

Within five working days of being notified that he has been awarded the delivery contract, the successful tenderer shall communicate to the address of the organization indicated in Article 6 evidence that a delivery security amounting to 10 % of the amount quoted in the tender has been lodged conforming to Title III of Regulation (EEC) No 2220/85.

### Article 6

1. The successful tenderer shall present before 28 September 1991 an application for payment of the supply to the intervention agency in the Member State in which the storehouse referred to in Article 2 (3) (e) is situated. That application shall be accompanied by:

- the original of the certificate of take-over drawn up on the model in Annex II and issued by the organization designated by the Commission.
- the certificate of conformity drawn up by the body mentioned in Article 7 on completion of the checks carried out.

The payment shall be made for the supply of the amount of packaged processed produce stipulated in the certificate of take-over.

2. If the merchandise is not taken over by the date indicated in Article 1 (2), the tenderer shall ask the organization responsible for the checks to certify that the product was available for take-over by 15 September 1991, in accordance with Article 1 (2).

The payment shall be made for the quantities for which the organization responsible for the checks has attested conform to the requisite obligations.

The organization responsible for payment will take the appropriate measures as regards the destination of the merchandise, after consultation with the Commission.

#### Article 7

The processing and packaging of the produce shall be the object of a control to be carried out by the intervention agency of the Member State within which the storehouse mentioned in Article 2 (3) (e) is situated.

The successful tenderer shall submit to the checks carried out by this intervention agency, having been informed of its identity in good time. For this purpose he shall inform the agency of the places where the product to be supplied shall be processed and packaged, as well as indicating the storehouse mentioned in Article 2 (3) (e).

The agency shall issue a certificate of conformity when it has satisfied itself that, on the basis of the checks carried out, the conditions laid down for the delivery have been met.

This certificate shall in addition specify that the animal to be processed originates from a region of a Member State which is free from African swine fever (in accordance

with Council Directive 64/432/EEC<sup>(1)</sup> Articles 9a and 9b).

#### Article 8

1. The primary requirements relating to the delivery within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be delivery of the produce under the conditions laid down. However, where a successful tenderer has supplied a minimum of 99 % of the amount of produce offered, all other conditions having been met, he shall be considered to have fulfilled the aforementioned primary requirement.

In order to assess whether or not the primary requirement has been met, the tenderer shall present the documents referred to in Article 6 to the intervention agency concerned.

2. The security shall also be released in cases of *force majeure*.

#### Article 9

The conversion rates to be used for payment of tenders and for tendering and supply securities shall be the agricultural conversion rates valid on the final date for submission of tenders.

#### Article 10

1. The Commission shall communicate to the organizations mentioned in Articles 6 and 7 the name of the tenderer of the delivery as well as all other necessary information pertaining to the realization of the operation as soon as possible.

2. The organization shall communicate to the Commission all information concerning the undertaking of the delivery, in particular the results of the checks foreseen in Article 7 and the conditions of take-over by the organization designated by the Commission.

#### Article 11

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

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No 121, 29. 7. 1964, p. 1977/64.

## ANNEX I

## PRODUCT SPECIFICATIONS FOR CANNED PIGMEAT PRODUCTS

## 1. Product description :

Shelf stable (cured, canned and cooked) pig meat products fulfilling the requirements laid down in Annex B, chapter II of the Meat Product Directive (77/99/EEC).

Minimum guaranteed shelf life : three years.

## 2. Product composition :

Minimum ingoing meat : 80 %

Exclusively pigmeat as defined in Article 2b of Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade on fresh meat <sup>(1)</sup>, however, excluding the organs mentioned in Article 2f.

The meat content is calculated following the analytical procedure laid down in the Annex of Commission Regulation (EEC) No 226/89 <sup>(2)</sup>.

The origin of the meat (species) will be controlled by means of an Elisa method.

Minimum meat protein content : 11 %.

The meat protein content is calculated by means of the following formula :

meat protein =  $N(t) - N(n-m) \times 6,25$

$N(t)$  : total nitrogen determined by Kjeldahl's method

$N(n-m)$  : nitrogen of non-meat origin

Maximum analytical fat content : 25 %

The fat content is calculated following the analytical procedure laid down in the Annex of Regulation (EEC) No 226/89.

Maximum collagen/total protein ratio : 0,35

Other ingredients : water (maximum 10 %), starch (maximum 7 %), non-meat protein (maximum 2,5 %), salt (minimum 1 % and maximum 2,5 %) and spices in a proportion fulfilling the general quality requirements (point 3).

Food additives : phosphates (maximum 3 g  $P_2 O_5$ /kg), ascorbates (maximum 0,5 g/kg) and nitrite (added maximum 0,12 g/kg).

## 3. Quality requirements :

The product is of a quality suitable for human consumption and free from objectionable odours and flavours, and the meat is uniformly and thoroughly cured.

Furthermore, the product is clean and substantially free from staining and contamination from the container and capable of being sliced.

<sup>(1)</sup> OJ No 121, 29. 7. 1964, p. 2012/64.

<sup>(2)</sup> OJ No L 29, 31. 1. 1989, p. 11.

## ANNEX II

## Take-over certificate

I, the undersigned :

.....  
(name, first name, business name)

acting on behalf of.....for the account of.....  
hereby certify that the goods referred to below, delivered pursuant to Commission Regulation (EEC) No 1545/91, have been taken over :

— Place and date of taking-over : .....

— Type of product : .....

— Tonnage, weight taken over (gross) : .....

— Packaging : .....

Comments :

.....  
.....  
.....  
.....  
.....  
.....

Signature : .....

Date : .....

\_\_\_\_\_

## COMMISSION REGULATION (EEC) No 1546/91

of 6 June 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 1528/91 <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 June 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 7 June 1991.

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

Done at Brussels, 6 June 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 142, 6. 6. 1991, p. 33.

<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 6 June 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 38,81 <sup>(1)</sup> |
| 1701 11 90 | 38,81 <sup>(1)</sup> |
| 1701 12 10 | 38,81 <sup>(1)</sup> |
| 1701 12 90 | 38,81 <sup>(1)</sup> |
| 1701 91 00 | 41,94                |
| 1701 99 10 | 41,94                |
| 1701 99 90 | 41,94 <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.

## COMMISSION REGULATION (EEC) No 1547/91

of 6 June 1991

fixing 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3577/90 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds <sup>(3)</sup> provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC <sup>(4)</sup>, as amended by Regulation (EEC) No 1607/71 <sup>(5)</sup>;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <sup>(6)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(7)</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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 7 June 1991.

<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 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No 128, 27. 6. 1967, p. 2574/67.

<sup>(5)</sup> OJ No L 168, 27. 7. 1971, p. 16.

<sup>(6)</sup> OJ No L 94, 7. 4. 1989, p. 13.

<sup>(7)</sup> OJ No L 355, 18. 12. 1990, p. 10.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 6 June 1991 fixing 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              | 25,00            |
|                | 06              | 30,00            |
|                | 02              | 20,00            |
| 1001 90 91 000 | —               | —                |
| 1001 90 99 000 | 04              | 25,00            |
|                | 05              | 24,00            |
|                | 06              | 30,00            |
|                | 07              | 90,00            |
|                | 02              | 20,00            |
| 1002 00 00 000 | 03              | 25,00            |
|                | 05              | 24,00            |
|                | 02              | 20,00            |
| 1003 00 10 000 | —               | —                |
| 1003 00 90 000 | 04              | 25,00            |
|                | 06              | 102,50           |
|                | 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              | 119,00           |
| 1101 00 00 130 | 01              | 105,00           |
| 1101 00 00 150 | 01              | 97,00            |
| 1101 00 00 170 | 01              | 90,00            |
| 1101 00 00 180 | 01              | 80,00            |
| 1101 00 00 190 | —               | —                |
| 1101 00 00 900 | —               | —                |
| 1102 10 00 600 | 01              | 119,00           |
| 1102 10 00 900 | —               | —                |
| 1103 11 10 100 | 01              | 150,00           |
| 1103 11 10 200 | 01              | 150,00           |
| 1103 11 10 500 | 01              | 0                |
| 1103 11 10 900 | 01              | 0                |
| 1103 11 90 100 | 01              | 119,00           |
| 1103 11 90 900 | —               | —                |

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

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*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).

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## COMMISSION REGULATION (EEC) No 1548/91

of 6 June 1991

## fixing the corrective amount applicable to the refund on cereals

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>,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds <sup>(3)</sup>,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice <sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(5)</sup>, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75 <sup>(6)</sup> laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the exist-

ing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <sup>(7)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(8)</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 it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

<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 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(6)</sup> OJ No L 131, 22. 5. 1975, p. 15.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 201, 31. 7. 1990, p. 9.

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

*Article 1*

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

*Article 2*

This Regulation shall enter into force on 7 June 1991.

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 6 June 1991 fixing the corrective amount applicable to the refund on cereals

| (ECU/tonne)    |                 |              |                 |                 |                 |                  |                  |                  |
|----------------|-----------------|--------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|
| Product code   | Destination (*) | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 | 4th period<br>10 | 5th period<br>11 | 6th period<br>12 |
| 0709 90 60 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 0712 90 19 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1001 10 10 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1001 10 90 000 | 01              | 0            | 0               | 0               | 0               | 0                | —                | —                |
| 1001 90 91 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1001 90 99 000 | 01              | 0            | 0               | 0               | 0               | 0                | —                | —                |
| 1002 00 00 000 | 01              | 0            | 0               | 0               | 0               | 0                | —                | —                |
| 1003 00 10 000 | 01              | —            | —               | —               | —               | —                | —                | —                |
| 1003 00 90 000 | 03              | 0            | - 25,00         | - 25,00         | - 25,00         | - 25,00          | —                | —                |
|                | 02              | 0            | 0               | 0               | 0               | 0                | —                | —                |
| 1004 00 10 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1004 00 90 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1005 10 90 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1005 90 00 000 | 01              | 0            | 0               | 0               | 0               | —                | —                | —                |
| 1007 00 90 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1008 20 00 000 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1101 00 00 100 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1101 00 00 130 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1101 00 00 150 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1101 00 00 170 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1101 00 00 180 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1101 00 00 190 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1101 00 00 900 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1102 10 00 600 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1102 10 00 900 | —               | —            | —               | —               | —               | —                | —                | —                |
| 1103 11 10 100 | 01              | 0            | - 50,00         | - 50,00         | - 50,00         | - 50,00          | - 50,00          | - 50,00          |
| 1103 11 10 200 | 01              | 0            | - 50,00         | - 50,00         | - 50,00         | - 50,00          | - 50,00          | - 50,00          |
| 1103 11 10 500 | 01              | 0            | - 50,00         | - 50,00         | - 50,00         | - 50,00          | - 50,00          | - 50,00          |
| 1103 11 10 900 | 01              | 0            | - 50,00         | - 50,00         | - 50,00         | - 50,00          | - 50,00          | - 50,00          |
| 1103 11 90 100 | 01              | 0            | 0               | 0               | 0               | 0                | 0                | 0                |
| 1103 11 90 900 | —               | —            | —               | —               | —               | —                | —                | —                |

(\*) For the following destinations:

- 01 All third countries,
- 02 Other third countries,
- 03 Soviet Union.

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 1549/91

of 6 June 1991

## fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(2)</sup>, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 7 June 1991.

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

<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 36.

<sup>(4)</sup> OJ No L 154, 15. 6. 1976, p. 11.

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

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

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

Done at Brussels, 6 June 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 6 June 1991 fixing the export refunds on rice and broken rice

| Product code   | Destination (1) | Amount<br>of refunds |
|----------------|-----------------|----------------------|
| 1006 20 11 000 | —               | —                    |
| 1006 20 13 000 | 01              | 186,95               |
| 1006 20 15 000 | 01              | 186,95               |
| 1006 20 17 000 | —               | —                    |
| 1006 20 92 000 | —               | —                    |
| 1006 20 94 000 | 01              | 186,95               |
| 1006 20 96 000 | 01              | 186,95               |
| 1006 20 98 000 | —               | —                    |
| 1006 30 21 000 | —               | —                    |
| 1006 30 23 000 | 01              | 186,95               |
| 1006 30 25 000 | 01              | 186,95               |
| 1006 30 27 000 | —               | —                    |
| 1006 30 42 000 | —               | —                    |
| 1006 30 44 000 | 01              | 186,95               |
| 1006 30 46 000 | 01              | 186,95               |
| 1006 30 48 000 | —               | —                    |
| 1006 30 61 100 | 01              | 233,69               |
|                | 05              | 239,69               |
|                | 06              | 244,69               |
|                | 09              | 239,69               |
|                | 12              | 244,69               |
|                | 13              | 233,69               |
|                |                 |                      |
| 1006 30 63 100 | 01              | 233,69               |
|                | 05              | 239,69               |
|                | 06              | 244,69               |
|                | 09              | 239,69               |
|                | 12              | 244,69               |
|                | 13              | 233,69               |
| 1006 30 63 900 | 01              | 233,69               |
|                | 13              | 233,69               |
| 1006 30 65 100 | 01              | 233,69               |
|                | 05              | 239,69               |
|                | 06              | 244,69               |
|                | 09              | 239,69               |
|                | 12              | 244,69               |
|                | 13              | 233,69               |
| 1006 30 65 900 | 01              | 233,69               |
|                | 13              | 233,69               |
| 1006 30 67 100 | —               | —                    |
| 1006 30 67 900 | —               | —                    |
| 1006 30 92 000 | 07              | —                    |

(ECU/tonne)

| Product code   | Destination (1) | Amount of refunds |
|----------------|-----------------|-------------------|
| 1006 30 92 100 | 01              | 233,69            |
|                | 05              | 239,69            |
|                | 06              | 244,69            |
|                | 09              | 239,69            |
|                | 12              | 244,69            |
|                | 13              | 233,69            |
| 1006 30 94 100 | 01              | 233,69            |
|                | 05              | 239,69            |
|                | 06              | 244,69            |
|                | 09              | 239,69            |
|                | 12              | 244,69            |
|                | 13              | 233,69            |
| 1006 30 94 900 | 01              | 233,69            |
|                | 07              | —                 |
|                | 13              | 233,69            |
| 1006 30 96 100 | 01              | 233,69            |
|                | 05              | 239,69            |
|                | 06              | 244,69            |
|                | 09              | 239,69            |
|                | 12              | 244,69            |
|                | 13              | 233,69            |
| 1006 30 96 900 | 01              | 233,69            |
|                | 07              | —                 |
|                | 13              | 233,69            |
| 1006 30 98 100 | —               | —                 |
| 1006 30 98 900 | —               | —                 |
| 1006 40 00 000 | —               | —                 |

(1) The destinations are identified as follows:

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

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

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 15 May 1991

concerning applications for the refund of anti-dumping duties collected on certain imports of compact disc players originating in Japan (Amroh BV — Elektronika & Technische Produkten)

(Only the Dutch text is authentic)

(91/283/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 16 thereof,

Whereas :

## A. PROCEDURE

- (1) Amroh BV — Elektronika & Technische Produkten imports into the Community compact disc players originating in Japan, manufactured and exported by the firm Accuphase Laboratory.
- (2) Council Regulation (EEC) No 112/90<sup>(2)</sup> imposed a definitive anti-dumping duty on imports of certain compact disc players originating in Japan and the Republic of Korea. A duty of 32 % was imposed on products originating in Japan, save where otherwise provided. Since Accuphase Laboratory was not among the exporters to which a lower duty was

applied, imports into the Community of its compact disc players are subject to a duty of 32 %.

- (3) In April and July 1990, Amroh BV — Elektronika & Technische Produkten, an independent importer based in Weesp, Netherlands, made two applications for the refund of definitive anti-dumping duties paid on the importation of three consignments of compact disc players produced and exported by Accuphase Laboratory. The total amount requested is FI [...]. The applications, addressed to the Dutch customs authorities, were forwarded to the Commission. The Commission decided to handle these applications according to the rules on recurring applications laid down in point I (4) of the Commission notice concerning the reimbursement of anti-dumping duties<sup>(3)</sup>. The information required for judging the validity of the applications was provided for the period December 1989 to June 1990 inclusive and sent direct to the Commission by Accuphase Laboratory at the applicant's request. Data concerning normal value and the export price was verified at the premises of Accuphase Laboratory, in Japan.
- (4) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (5) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 13, 17. 1. 1990, p. 21.

<sup>(3)</sup> OJ No C 266, 22. 10. 1986, p. 2.

**B. THE APPLICANT'S ARGUMENTS**

- (6) Essentially, the applicant argued that it had paid export prices significantly in excess of normal value.

**C. ADMISSIBILITY**

- (7) The applications are admissible.

**D. MERITS OF THE CLAIM**

- (8) The applications must be accepted in part. Article 16 (1) of Regulation (EEC) No 2423/88 makes it the responsibility of the importer who has paid an anti-dumping duty and is applying for refund of that duty to show that the duties collected exceed the dumping margin calculated for the relevant reference period. This actual dumping margin must normally be calculated using the same method as that applied during the initial investigation.
- (9) Accuphase Laboratory did not cooperate in the initial Commission investigation. The Commission was therefore obliged to calculate the dumping margin for the compact disc players produced by this undertaking. The Commission considered that the information supplied by the applicant and the exporter regarding the normal value and export prices of the different models was sufficient for it to calculate correctly the average actual dumping margin.
- (10) The Commission calculated normal value on the basis of the price actually paid in normal commercial transactions for the like product intended for consumption in Japan. Accuphase Laboratory asked that the calculation be adjusted to allow for sales made at special prices to promote the launch of new models. The Commission was unable to grant this request, since the sales in question were not made in the course of normal trading.
- (11) The Commission compared the average normal value during the reference period of each model, ex-factory, with the ex-factory export price charged by Accuphase Laboratory for each of the consignments released for free circulation in the Community during the same period. The comparison was made in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88. Due account was taken of differences affecting price comparability. Some of the adjustments requested by Accuphase Laboratory, concerning certain sales overheads, were granted.

- (12) With regard to normal value, the request that an adjustment be made for transport costs was granted where it was shown that these costs were directly related to the product and had been incurred in the course of transport from the premises of the exporter to the first independent buyer. An adjustment was also made for storage costs.

A request for an adjustment to take account of credit costs was accepted at the level verified at the premises of Accuphase Laboratory.

A request for an adjustment in respect of guarantees and after-sales service was rejected because it was based on an estimate. These costs could not therefore be shown to be directly related within the meaning of Article 2 (10) (c) (iv) of Regulation (EEC) No 2423/88. It was clear from the investigation that these costs were general costs. Requests for account to be taken of other sales overheads, i.e. promotional and advertising costs and the general sales overheads, were rejected. These costs were not directly related to the sales in question, but were either general administrative costs or could not be described as deductible sales costs within the meaning of Article 2 (10) (c) of Regulation (EEC) No 2423/88.

The request that account be taken of the salaries paid to sales staff was rejected. This staff was not wholly engaged in direct selling, but was responsible primarily for promotional activities.

- (13) The export price was duly adjusted to take into account the transport and storage costs directly related to a product and borne by the exporter from the time the product left the exporter's premises to the time of arrival at its destination in the Community. The export price was also adjusted to take account of commission paid on the sales in question.
- (14) The Commission found the actual average dumping margin during the period under consideration to be lower than the dumping margin used to calculate the level of the duties collected. While Accuphase Laboratory was found to have dumped exports, it had done so at a level lower than the highest dumping margin established in Regulation (EEC) No 112/90. The Commission therefore found the dumping margin for the period under consideration to be 21 %.

**E. AMOUNT TO BE REIMBURSED**

- (15) The amount to be reimbursed to Amroh BV — Elektronika & Technische Produkten, representing the difference between the rate of duty collected

and the actual dumping margin, is 11 % (32 % - 21 %) of the value used by the relevant authorities to calculate the level of anti-dumping duty,

HAS ADOPTED THIS DECISION :

*Article 1*

The applications for the refund of anti-dumping duties submitted by Amroh BV — Elektronica & Technische Produkten are granted to the amount of 11 % of the value used by the relevant authorities for calculating the amount of anti-dumping duty.

*Article 2*

The amounts set out in Article 1 shall be refunded by the Netherlands authorities.

*Article 3*

This Decision is addressed to the Kingdom of the Netherlands and Amroh BV Elektronica & Technische Produkten, Hogeweyselaan 227, 1382 JL Weesp, Netherlands.

Done at Brussels, 15 May 1991.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

**COMMISSION DECISION**

of 15 May 1991

**concerning applications for the refund of anti-dumping duties collected on certain imports of compact disc players originating in Japan (PIA Hi-Fi Vertriebs GmbH)**

(Only the German text is authentic)

(91/284/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 16 thereof,

Whereas :

lation of normal value for a period of six months preceding each import operation, as provided for in point I (3) (B) (a) of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as 'the notice')<sup>(2)</sup>. This information covered the period December 1988 to June 1989. The Commission decided to handle the applications submitted between 17 April and 19 July 1990 according to the rules on recurring applications laid down in point I (4) of the notice. The information required for judging the validity of the applications was provided for the period December 1989 to June 1990 inclusive.

**A. PROCEDURE**

- (1) PIA Hi-Fi Vertriebs GmbH imports into the Community compact disc players originating in Japan, manufactured and exported by the firm Accuphase Laboratory.
- (2) Council Regulation (EEC) No 112/90<sup>(2)</sup> imposed a definitive anti-dumping duty on imports of certain compact disc players originating in Japan and the Republic of Korea. A duty of 32 % was imposed on products originating in Japan, save where otherwise provided. Since Accuphase Laboratory was not among the exporters to which a lower duty was applied, imports into the Community of its compact disc players are subject to a duty of 32 %.
- (3) Between February and July 1990, PIA Hi-Fi Vertriebs GmbH, an independent importer based in Weiterstadt, Germany, made five applications for the refund of definitive anti-dumping duties paid on the importation from July 1989 to July 1990 of compact disc players produced and exported by Accuphase Laboratory. The total amount requested is DM [...]. The applications, addressed to the German customs authorities, were forwarded to the Commission. The applicant was asked to present, for the first application, data permitting the calcu-

- (4) The Commission asked the applicant for further information, which was submitted within the time limits. The Commission also visited the premises of Accuphase Laboratory, in Japan, to verify data concerning normal value and export prices, which Accuphase Laboratory had supplied to the Commission at the request of the applicant.
- (5) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (6) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

**B. THE APPLICANT'S ARGUMENTS**

- (7) Essentially, the applicant argued that it had paid export prices significantly in excess of normal value.

**C. ADMISSIBILITY**

- (8) The applications are admissible.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 13, 17. 1. 1990, p. 21.

<sup>(1)</sup> OJ No C 266, 22. 10. 1986, p. 2.

**D. MERITS OF THE CLAIM**

- (9) The applications must be accepted in part. Article 16 (1) of Regulation (EEC) No 2423/88 makes it the responsibility of the importer who has paid an anti-dumping duty and is applying for refund of that duty to show that the duties collected exceed the dumping margin calculated for the relevant reference period. This actual dumping margin must normally be calculated using the same method as that applied during the initial investigation.

- (10) Accuphase Laboratory did not cooperate in the initial Commission investigation. The Commission was therefore obliged to calculate the dumping margin for the compact disc players produced by this undertaking. The Commission considered that the information supplied by the applicant and the exporter regarding the normal value and export prices of the different models was sufficient for it to calculate correctly the average actual dumping margin.

- (11) The Commission calculated normal value on the basis of the price actually paid in normal commercial transactions for the like product intended for consumption in Japan. Accuphase Laboratory asked that the calculation be adjusted to allow for sales made at special prices to promote the launch of new models. The Commission was unable to grant this request, since the sales in question were not made in the course of normal trading.

- (12) For each reference period concerned, the Commission compared the average normal value of each model, ex-factory, with the ex-factory export price charged by Accuphase Laboratory for each of the consignments released for free circulation in the Community during the same period. The comparison was made in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88. Due account was taken of differences affecting price comparability. Adjustments requested by Accuphase Laboratory, concerning certain sales overheads, were granted.

- (13) With regard to normal value, the request that an adjustment be made for transport costs was granted where it was shown that these costs were directly related to the product and had been incurred in the course of transport from the premises of the exporter to the first independent buyer. An adjustment was also made for storage costs.

A request for an adjustment to take account of credit costs was accepted at the level verified at the premises of Accuphase Laboratory.

A request for an adjustment in respect of guarantees and after-sales service was rejected because it was based on an estimate. These costs could not be shown to be directly related within the meaning of Article 2 (10) (c) (iv) of Regulation (EEC) No 2423/88. It was clear from the investigation that these costs were general costs. Requests for account to be taken of other sales overheads, i.e. promotional and advertising costs and the general sales overheads, were rejected. These costs were not directly related to the sales in question, but were either general administrative costs or could not be described as deductible sales costs as listed in Article 2 (10) (c) of Regulation (EEC) No 2423/88.

The request that account be taken of the salaries paid to sales staff was rejected. This staff was not wholly engaged in direct selling, but was responsible primarily for promotional activities.

- (14) The export price was duly adjusted to take into account the transport and storage costs directly related to a product and borne by the exporter from the time the product left the exporter's premises to the time of arrival at its destination in the Community. The export price was also adjusted to take account of commission paid on the sales in question.

- (15) The Commission found the actual average dumping margin during the periods under consideration to be lower than the dumping margin used to calculate the level of the duties collected. While Accuphase Laboratory was found to have dumped exports, it had done so at levels lower than the highest dumping margin established in Regulation (EEC) No 112/90. The Commission therefore found the dumping margin to be 14,5 % for the period December 1988 to June 1989 inclusive and 21 % for that from December 1989 to June 1990 inclusive.

**E. AMOUNT TO BE REIMBURSED**

- (16) The amount to be reimbursed to PIA Hi-Fi Vertriebs GmbH, representing the difference between the rate of duty collected and the actual dumping margin, comprises 17,5 % (32 % - 14,5 %) of the value used by the relevant authorities to calculate the level of anti-dumping duty in the case of the imports covered by the application submitted on 14 February 1990, and 11 % (32 % - 21 %) of the value used by the relevant authorities to calculate the level of anti-dumping duty in the case of imports covered by the applications submitted between 17 April and 19 July 1990,

HAS ADOPTED THIS DECISION:

*Article 3*

*Article 1*

The applications for the refund of anti-dumping duties submitted by PIA Hi-Fi Vertriebs GmbH are granted to the amount of 17,5 % of the value used by the relevant authorities to calculate the level of anti-dumping duty in the case of the imports covered by the application submitted on 14 February 1990, and 11 % of the value used by the relevant authorities to calculate the level of anti-dumping duty in the case of imports covered by the applications submitted between 17 April and 19 July 1990.

This Decision is addressed to the Federal Republic of Germany and PIA Hi-Fi Vertriebs GmbH, Rosenweg 6, 6108 Weiterstadt 2, Germany.

Done at Brussels, 15 May 1991.

*Article 2*

The amounts set out in Article 1 shall be refunded by the German authorities.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## COMMISSION DECISION

of 21 May 1991

authorizing the French Republic to apply intra-Community surveillance in respect of imports of certain textile products originating in certain third countries

(Only the French text is authentic)

(91/285/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 87/433/EEC of 22 July 1987 on surveillance and protective measures which Member States may be authorized to take pursuant to Article 115 of the EEC Treaty<sup>(1)</sup>, and in particular Articles 1 and 2 thereof,

Whereas on 22 April 1991 a request was made pursuant to Article 2 of Decision 87/433/EEC by the French Government for authorization to apply intra-Community surveillance in respect of imports of the textile products listed below :

| Category | Third country of origin |
|----------|-------------------------|
| 2        | China                   |
| 20       | Thailand                |

Whereas the importation into the Community of certain textile products, including the products in question originating in China and Thailand, are subject to agreements between the Community and the abovementioned countries ;

Whereas China undertook to take all the necessary measures to restrict its exports of products falling within category 2 to the Community to a given ceiling divided among the Member States ;

Whereas, in accordance with the agreement between the Community and Thailand the Commission has, by Commission Regulation (EEC) No 1366/89<sup>(2)</sup>, imposed a quantitative restriction on imports into France of products originating in Thailand, falling within category 20 ;

Whereas the information given by the French authorities in support of this request has been examined closely by the Commission in accordance with the criteria laid down in Decision 87/433/EEC ;

Whereas the Commission examined in particular whether the imports could be made subject to intra-Community surveillance pursuant to Article 2 of Decision

87/433/EEC and whether information was given as regards the alleged economic difficulties and the risk of deflection of trade ;

Whereas this examination has shown that the risk does exist and that a through knowledge of the likely trends of intra-Community imports is required in order to detect rapidly any potentially damaging developments ;

Whereas France should therefore be authorized to make the imports concerned subject to prior intra-Community surveillance until 31 December 1991,

HAS ADOPTED THIS DECISION :

*Article 1*

The French Republic is hereby authorized, in accordance with Decision 87/433/EEC, to apply intra-Community surveillance until 31 December 1991 to the following products put into free circulation in other Member States :

| Category | Description of goods                                                                                                                       | Third country of origin |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 2        | Woven fabrics of cotton other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabric. | China                   |
| 20       | Bed linen, other than knitted or crocheted.                                                                                                | Thailand                |

*Article 2*

This Decision shall apply until 31 December 1991.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 21 May 1991.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 238, 21. 8. 1987, p. 26.

<sup>(2)</sup> OJ No L 137, 20. 5. 1989, p. 9.

## COMMISSION DECISION

of 4 June 1991

repealing Decision 85/594/EEC authorizing Greece to take certain safeguard measures under Article 108 (3) of the EEC Treaty

(Only the Greek text is authentic)

(91/286/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Economic Community, and in particular Article 108 (3) thereof,

Whereas, by Decision 85/594/EEC <sup>(1)</sup>, as last amended by Decision 90/633/EEC <sup>(2)</sup>, the Commission authorized the Hellenic Republic to continue to apply certain protective measures in the area of capital movements and tourist expenditure ;

Whereas, the Council by Decision 91/136/EEC <sup>(3)</sup> granted Greece a medium term loan to support the balance of payments and the economic programme of adjustment and reform ; whereas, in this context, the Greek authorities undertook to remove, within two months from the date of the Council Decision, the restrictions authorized by the Commission ;

Whereas the Greek authorities abolished, as of 6 May 1991, the restrictions authorized by Decision 85/594/EEC ; whereas, therefore, there is no longer any

justification for authorizing the application of protective measures,

HAS ADOPTED THIS DECISION :

*Article 1*

Decision 85/594/EEC is hereby repealed.

*Article 2*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 4 June 1991.

*For the Commission*

Henning CHRISTOPHERSEN

*Vice-President*

<sup>(1)</sup> OJ No L 373, 31. 12. 1985, p. 9.

<sup>(2)</sup> OJ No L 357, 20. 12. 1990, p. 47.

<sup>(3)</sup> OJ No L 66, 13. 3. 1991, p. 22.