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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1574/91

of 11 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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 533/91⁽⁵⁾ and subsequent amending Regulations;

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

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

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 10 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 12 June 1991.

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.
⁽⁵⁾ OJ No L 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 11 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	132,57 ⁽²⁾ ⁽³⁾
0712 90 19	132,57 ⁽²⁾ ⁽³⁾
1001 10 10	193,90 ⁽¹⁾ ⁽³⁾
1001 10 90	193,90 ⁽¹⁾ ⁽³⁾
1001 90 91	157,32
1001 90 99	157,32
1002 00 00	152,46 ⁽⁶⁾
1003 00 10	145,00
1003 00 90	145,00
1004 00 10	133,64
1004 00 90	133,64
1005 10 90	132,57 ⁽²⁾ ⁽³⁾
1005 90 00	132,57 ⁽²⁾ ⁽³⁾
1007 00 90	142,18 ⁽⁴⁾
1008 10 00	33,74
1008 20 00	129,97 ⁽⁴⁾
1008 30 00	43,54 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	43,54
1101 00 00	234,95 ⁽⁸⁾
1102 10 00	227,18 ⁽⁸⁾
1103 11 10	314,18 ⁽⁸⁾
1103 11 90	251,93 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1575/91

of 11 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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90⁽⁵⁾ and subsequent amending Regulations;

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

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

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 10 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 12 June 1991.

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.
⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 11 June 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	1,49
1003 00 90	0	0	0	1,49
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	2,65	2,65
1107 10 99	0	0	0	1,98	1,98
1107 20 00	0	0	0	2,31	2,31

COMMISSION REGULATION (EEC) No 1576/91

of 11 June 1991

on the issuing of a standing invitation to tender for the resale on the internal market of 20 000 tonnes of barley held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 20 000 tonnes of barley held by the Greek intervention agency should be issued;

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 Greek intervention agency shall issue a standing invitation to tender for the resale on the internal market of

50 000 tonnes of barley held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 21 June 1991.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 30 August 1991.
3. Tenders must be lodged with the Greek intervention agency:

YDAGEP, Ministry of Agriculture,
Domestic Market Directorate,
241 Acharnon Street,
GR-10446 Athens.
(Telex: 221735 YDAG GR).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Greek intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

COMMISSION REGULATION (EEC) No 1577/91
of 11 June 1991
amending Regulation (EEC) No 2911/90 laying down detailed rules of application
for aid for the production of certain varieties of grapes for drying

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2201/90 ⁽²⁾, and in particular Article 6 (6) thereof,

Whereas the sound operation of the aid scheme per hectare requires in particular that Community aids should not be paid in combination in respect of the same area; whereas only aids granted to improve agricultural production structures, excluding any allowance to offset loss of income, during the period of application of such aids should be considered compatible with the abovementioned principle; whereas, as a consequence, aids or allowances provided for by Council Regulation (EEC) No 895/85 of 1 April 1985 on a common measure to improve the structures of the wine-making sector in Greece ⁽³⁾, as amended by Regulation (EEC) No 3768/85 ⁽⁴⁾, and the Commission Decision of 5 July 1989 for granting financial assistance from EAGGF, Guidance Section, for an operational programme to combat phylloxera which has affected the vineyards of Crete (Greece) ⁽⁵⁾ should accordingly be excluded; whereas the provisions in force should accordingly be made more flexible and defined more closely and Article 3 of Commission Regulation (EEC) No 2911/90 ⁽⁶⁾ should be amended accordingly;

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

Article 3 (2) (d) of Regulation (EEC) No 2911/90 is hereby replaced by the following:

'(d) a declaration by the producer that none of the areas in question nor the products harvested therefrom are the subject of an application for aid under other schemes and in particular those to offset loss of income to the producer for dried grapes pursuant to:

- Council Regulation (EEC) No 895/85 ^(*),
- the Commission Decision of 5 July 1989 ^(**).

(*) OJ No L 94, 4. 4. 1985, p. 2.

(**) OJ No C 188, 25. 7. 1989, p. 4.'

Article 2

This Regulation shall enter into force on the third 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, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 1.

⁽³⁾ OJ No L 97, 4. 4. 1985, p. 2.

⁽⁴⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽⁵⁾ OJ No C 188, 25. 7. 1989, p. 4.

⁽⁶⁾ OJ No L 278, 10. 10. 1990, p. 35.

COMMISSION REGULATION (EEC) No 1578/91

of 11 June 1991

amending Regulation (EEC) No 4061/88 laying down further detailed rules of application as regards import licences for certain processed products obtained from sour cherries originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2201/90 ⁽²⁾, and in particular Articles 14 (3) and 15 (4) thereof,

Having regard to Council Regulation (EEC) No 1201/88 of 28 April 1988 establishing import mechanisms for certain processed products obtained from sour cherries and originating in Yugoslavia ⁽³⁾, as amended by Regulation (EEC) No 2781/90 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas Article 3 of Commission Regulation (EEC) No 4061/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 3717/90 ⁽⁶⁾, limits the term of validity of import licences for the products listed in Annex II to Regulation (EEC) No 1201/88 to a period of two months in order to guarantee better management of the import arrangements in question;

Whereas to prevent licence applications covering quantities far in excess of the real needs of importers, additional provisions concerning the issue of import licences from 1 January 1991 were introduced by Regulation (EEC) No 3717/90; whereas, as a consequence, the provisions limiting the term of validity of import licences are no longer necessary and should be repealed;

Whereas the arrangements in question are applicable to annual imports of 19 900 tonnes of processed sour cherries from Yugoslavia; whereas that quantity relates to products falling within several tariff headings in Chapters 8 and 20 of the combined nomenclature; whereas it is possible, without compromising the achievement of the objective of the measures, to allow, if necessary, the CN code to be altered for import licences issued under Regu-

lation (EEC) No 1201/88, subject to certain administrative guarantees;

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

Article 3 of Regulation (EEC) No 4061/88 is hereby replaced by the following:

Article 3

1. Holders of import licences may apply once only for an alteration in the CN code for which the licence concerned was issued subject to compliance with the following provisions:

(a) applications for alterations in the CN code shall necessarily involve one of the other CN codes listed in Annex II to Regulation (EEC) No 1201/88;

(b) applications shall be submitted to the body which issued the original licence and shall be accompanied by the original licence and any extract issued;

2. The body which issued the original licence shall keep that original and any extract thereof and shall issue a replacement licence and, where appropriate, one or more extracts of that replacement licence;

3. Replacement licences and, where appropriate, the extract or extracts thereof shall:

— be issued for a quantity of products corresponding to the maximum available quantity shown in the document which they replace,

— indicate in Section 20, the number and, if so wished, the date of the document which they replace,

— indicate in Sections 13, 14 and 15 the particulars of the new product concerned,

— indicate the new CN code in Section 16,

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 1.

⁽³⁾ OJ No L 115, 3. 5. 1988, p. 9.

⁽⁴⁾ OJ No L 265, 28. 9. 1990, p. 3.

⁽⁵⁾ OJ No L 356, 24. 12. 1988, p. 45.

⁽⁶⁾ OJ No L 358, 21. 12. 1990, p. 49.

— indicate in the other sections the same particulars as those appearing on the document which they replace and in particular the same date of expiry.

5. The term of validity of import licences for products listed in Annex II to Regulation (EEC) No 1201/88 may not extend beyond 31 December of the year in question.'

Article 2

4. The Member States shall immediately notify the Commission of the particulars concerning the alteration in CN code for import licences issued.

This Regulation shall enter into force on the third 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, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1579/91

of 11 June 1991

amending Regulations (EEC) No 3540/85 and (EEC) No 1561/90 as regards certain transitional measures relating to peas, field beans and sweet lupins

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 3 (7) thereof,

Having regard to Council Regulation (EEC) No 1789/89 of 19 June 1989 amending Regulation (EEC) No 2036/82 adopting general rules concerning special measures for peas, field beans and sweet lupins⁽³⁾, and in particular Article 2 thereof,

Whereas, by Regulation (EEC) No 1789/89, the Council decided to step up and simplify checks; whereas those changes must result in particular in the introduction of arrangements for the approval of first buyers which will allow certain administrative documents, such as certificates of purchase at the minimum price, to be done away with;

Whereas the immediate introduction of the approval arrangements and concomitant abolition of certificates of purchase at the minimum price would lead to excessive changes in administrative procedures; whereas the existing procedures should be maintained provisionally until a new system is devised which in this respect fully complies with the guidelines laid down by the Council; whereas, in addition, on 1 February 1991 the Commission forwarded to the Council a discussion paper on the trend in and the future of the common agricultural policy containing guidelines which may entail substantial changes in the present system as from the 1992/93

marketing year, and these may affect peas, field beans and sweet lupins;

Whereas Commission Regulation (EEC) No 3540/85⁽⁴⁾, as last amended by Regulation (EEC) No 2249/90⁽⁵⁾, and Regulation (EEC) No 1561/90⁽⁶⁾, should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The third subparagraph of Article 6 (2) of Regulation (EEC) No 3540/85 is hereby replaced by the following:

'The term of validity of such certificates shall be 24 months starting from the month following that in which they are issued. In any case, certificates may only be used for aid applications for peas, field beans and sweet lupins which have entered the premises of approved users and have been identified by 30 June 1992 at the latest.'

Article 2

The second indent of the third paragraph of Article 2 of Regulation (EEC) No 1561/90 is hereby deleted.

Article 3

This Regulation shall enter into force on the third 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, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 176, 23. 6. 1989, p. 11.

⁽⁴⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁵⁾ OJ No L 203, 1. 8. 1990, p. 56.

⁽⁶⁾ OJ No L 148, 12. 6. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1580/91

of 11 June 1991

laying down detailed rules for the application of Council Regulation (EEC) No 598/91 as regards the supply of whole-milk powder 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⁽¹⁾, 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 that it be supplied with whole-milk powder in 25 kg bags;

Whereas, in view of the special requirements of the supply as regards transport to an distribution at the destination, the costs relating to the manufacture of the products should be determined separately, by invitation to tender, in order to organize subsequently the despatch of the products to the beneficiary institutions and bodies;

Whereas detailed rules for the application of Regulation (EEC) No 598/91 must be laid down to determine the conditions governing participation in the invitation to tender, the conditions governing the award of the supply and the obligations relating to the manufacture of the whole-milk powder;

Whereas, in order to ensure that the supplies are effected properly, the conditions governing the lodging of 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⁽²⁾, as last amended by Regulation (EEC) No 3745/89⁽³⁾;

Whereas the manufacture and packaging of the products must be monitored by the intervention agencies of the Member States;

Whereas, pursuant to Article 2 (4) of Regulation (EEC) No 598/91, the products supplied are not eligible for export refunds and are not subject to the system of monetary compensatory amounts;

Whereas provision should be made for suitable notifications to ensure the monitoring of operations as well as

possible until takeover by the agency or the undertaking responsible for dispatch to the destination;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the supply of 10 000 tonnes of whole-milk powder for the people of the Soviet Union pursuant to Regulation (EEC) No 598/91 and in accordance with the conditions laid down herein.

2. The supply shall comprise:

(a) the manufacture of whole-milk powder meeting the characteristics laid down in Annex II. The end product must be put up in packages of 25 kg net weight in new, clean, dry, undamaged bags in accordance with the provisions of the Annex to Commission Regulation (EEC) No 625/78⁽⁴⁾.

The words 'Regulation (EEC) No 1580/91 — Aid from the European Economic Community' must be marked on each of the packages in Russian and in one of the official languages of the Community. No other wording is permitted. The manufacture and packaging of the product covered by the supply must be carried out in the same plant and completed by 31 August 1991 at the latest;

(b) the storage of the product for the body indicated by the Commission until 17 September 1991. Storage costs during that period shall be borne by the successful tenderer;

(c) an undertaking, in so far as possible, to manufacture the product and make it available to the abovementioned body, before the end of the periods provided for in (a) and (b), at the request of the body indicated by the Commission.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽³⁾ OJ No L 364, 14. 12. 1989, p. 54.

⁽⁴⁾ OJ No L 84, 31. 3. 1978, p. 19.

Article 2

1. Tenders shall be forwarded by written telecommunication (telex or telefax) to the address indicated below.

In order to be deemed admissible, tenders must be complete and reach the following address by 12 noon (Brussels time) on 19 June 1991:

Commission of the European Communities,
Milk Products Division,
Bâtiment Loi 120, Office 8/68,
200, rue de la Loi,
B-1049 Bruxelles;
(telex AGREC 22037B or 25670B),
(telefax Bruxelles 235 33 10).

Where no supply contract is awarded, pursuant to Article 3 a second deadline for the submission of tenders shall expire at 12 noon (Brussels time) on 3 July.

2. Tenders shall be valid only if:

- (a) they refer clearly to the supply provided for in Article 1 and this Regulation;
- (b) they indicate the name, address, telex and telefax numbers of the tenderer, who must be established in the Community;
- (c) each tender refers to one or more lots of 500 tonnes (net weight of goods). Tenders shall state the exact number of lots (net weight) to which they refer;
- (d) they specify an amount per tonne expressed in ecus covering the whole supply of one lot; that amount shall include packaging costs;
- (e) they indicate the exact address of the place of manufacture and packaging and the store in which the products will be kept available to the agency to be indicated by the Commission. Each tender may indicate a single place of storage only;
- (f) they are accompanied by proof that the tenderer has lodged a tendering security of ECU 20 per tonne in favour of the Commission, in accordance with the provisions of Title III of Regulation (EEC) No 2220/85. Such proof shall consist of a document issued by the body granting the security.

Tenders not submitted in accordance with this Article or which contain terms other than those laid down in the invitation to tender shall be rejected.

Tenders shall not be modified or withdrawn.

Article 3

1. On the basis of the tenders received;

- supply contracts shall be amended to tenderers whose tenders indicate the lowest amounts, or, where appropriate,
- no contract shall be awarded, in particular where tenders submitted specify of prices in excess of those normally applying on the market.

2. For the purposes of comparing tenders only, the accession compensatory amounts shall be taken into account for products manufactured in the new Member States.

3. Within five working days following the closing date for the submission of tenders, the Commission shall inform all tenderers of the outcome of their tenders by written telecommunication. Where appropriate, the successful tenderer shall be notified forthwith of the award by written telecommunication.

Article 4

1. The tendering security provided for in Article 2 (2) (f) shall be released immediately where tenders are not accepted or where no supply contract is awarded.

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

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

Article 5

Within five working days following notification of award of a supply contract, the successful tenderer shall forward to the body indicated in Article 6 proof of lodging of a supply security in favour of the latter, amounting to 10 % of the price quoted in the tender, in accordance with Title III of Regulation (EEC) No 2220/85. Proof shall consist of a document issued by the body granting the security.

Article 6

1. The successful tenderer shall submit an application for payment of the supply of the intervention agency of the Member State in which the place mentioned in Article 1 (2) (b) at which the products are kept available is located before 28 September 1991.

Such application shall be accompanied by:

- the original of the certificate of take-over drawn up in accordance with the specimen set out in the Annex and issued by the body designated by the Commission,
- the attestation drawn up by the body mentioned in Article 7 on completion of checks conducted.

Payment shall be made for the quantities (net weight) mentioned in the certificate of take-over.

2. If the goods are not taken over at the date indicated in Article 1 (2) (b), the successful tenderer shall have the body responsible for checks ascertain the fact that the goods have been made available in accordance with that Article. He shall obtain payment of the price he tendered for the quantities in respect of which the body responsible for checks certifies that he has met his obligations.

The body responsible for payment shall, after consulting the Commission, take appropriate measures concerning the disposal of the goods.

Article 7

The manufacture, presentation and packaging of the product shall be monitored by the body designated by the Member State in which the place of manufacture and packaging is located.

The successful tenderer shall submit to the checks carried out by that body. He shall notify the latter for that purpose of the places and period of manufacture and packaging of the product to be supplied at least five days in advance and of the address of the store mentioned in Article 1 (2) (b) at which the goods are made available.

On completion of the checks, the body shall issue a certificate of conformity certifying that the whole-milk powder has been processed from the milk of healthy animals, free of foot-and-mouth disease and any other infectious or contagious disease.

Article 8

1. The primary requirements relating to the supply within the meaning of Article 20 of Regulation (EEC) No

2220/85 shall be the execution of this supply under the conditions laid down. The quantity delivered shall be considered satisfactory where the difference between the net weight recorded on takeover and that of the quantity laid down is not more than 1 %.

2. The supply security shall be released when the successful tenderer provides the intervention agency concerned with the documents mentioned in Article 6.

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

Article 9

The conversion rates to be used for the payment of prices tendered and for the tendering and supply securities shall be the agricultural conversion rates applying on the closing date for the submission of tenders.

Article 10

1. The Commission shall notify the bodies referred to in Articles 6 and 7 of the names of the successful tenderers and of any information necessary for executing the supplies.

2. The bodies referred to in paragraph 1 shall notify the Commission of any information relating to the supplies, and in particular of the outcome of checks and the conditions of takeover of the goods.

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, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

CERTIFICATE OF TAKEOVER

I, the undersigned :

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

acting in the name of on behalf of
..... certify that the goods listed below,
delivered pursuant to Commission Regulation (EEC) No 1580/91, have been taken over :

— Place and date of takeover :

.....

— Type of product :

.....

— Tonnage, weight taken over (net) :

.....

— Packaging :

.....

.....

.....

.....

Remarks :

.....

.....

.....

.....

.....

.....

Signature :

ANNEX II

Whole-milk powder with a minimum fat content of 26 % must be produced using the spray method and must be manufactured no more than one month before the date on which it is made available at the port of shipment. The quality must be 'extra grade' and must meet the following characteristics :

- | | |
|---|---|
| (a) fat content : | minimum of 26,0 % ; |
| (b) water content : | maximum of 3 % |
| (c) titratable acidity (as a percentage of non-fat dry matter) ADMI : | |
| — in millilitres of decinormal sodium hydroxide solution : | maximum of 3,0 % ; |
| — in lactic acid : | maximum of 0,15 % |
| (d) lactate content (in relation to non-fat dry matter) : | maximum of 150 mg/100g ; |
| (e) additives : | none ; |
| (f) phosphatase test : | negative, i.e. equal to or less than four micrograms of phenol per gram of reconstituted milk ; |
| (g) solubility index : | maximum of 0,5 ml ; |
| (h) burnt-particles index : | maximum of 15,0 mg, i.e. at least disc B ; |
| (i) micro-organism count : | maximum of 50 000 per gram ; |
| (k) coli-aerogenes-organisms : | negative in 0,1 g ; |
| (l) whey test : | negative ; |
| (m) taste and smell : | clean ; |
| (n) appearance : | white or slightly yellow colour, absence of impurities and coloured particles. |

The control methods will be those specified in Annex I (2) (a) and (b) to Regulation (EEC) No 625/78. However, reference will be made to IDF International Standard 109 (1982) for the micro-organism count, and to international Standard 73A (1985) for the identification of coli-aerogenes-organisms.

COMMISSION REGULATION (EEC) No 1581/91

of 11 June 1991

laying down detailed rules for the application of Council Regulation (EEC) No 598/91 as regards the supply of whole-milk powder in small packages 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⁽¹⁾, 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 that it be supplied with whole-milk powder in small packages;

Whereas, in view of the special requirements of the supply as regards transport to and distribution at the destination, the costs relating to the manufacture of the products should be determined separately, by invitation to tender, in order to organize subsequently the despatch of the products to the beneficiary institutions and bodies;

Whereas detailed rules for the application of Regulation (EEC) No 598/91 must be laid down to determine the conditions governing participation in the invitation to tender, the conditions governing the award of the supply and the obligations relating to the manufacture of the whole-milk powder;

Whereas, in order to ensure that the supplies are effected properly, the conditions governing the lodging of 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⁽²⁾, as last amended by Regulation (EEC) No 3745/89⁽³⁾;

Whereas the manufacture and packaging of the products must be monitored by the intervention agencies of the Member States;

Whereas, pursuant to Article 2 (4) of Regulation (EEC) No 598/91, the products supplied are not eligible for export refunds and are not subject to the system of monetary compensatory amounts;

Whereas provision should be made for suitable notifications to ensure the monitoring of operations as well as

possible until takeover by the agency or the undertaking responsible for despatch to the destination;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the supply of 40 000 tonnes of whole-milk powder for the people of the Soviet Union pursuant to Regulation (EEC) No 598/91 and in accordance with the conditions laid down herein.

2. The supply shall comprise:

(a) the manufacture of whole-milk powder meeting the characteristics laid down in Annex II.

The end product must be put up in aluminium-based paper bags or in metal canisters of a maximum net weight of two kilograms, grouped in cartons mounted on pallets in accordance with normal export practice.

The words 'Regulation (EEC) No 1581/91 Aid from the European Economic Community' must be marked on each individual package and each carton in Russian and in one of the official languages of the Community.

The manufacture and packaging of the product covered by the supply must be carried out in the same plant and completed by 31 August 1991 at the latest;

(b) the storage of the product for the body indicated by the Commission until 17 September 1991. Storage costs during that period shall be born by the successful tenderer;

(c) an undertaking, in so far as possible, to manufacture the product and make it available to the abovementioned body, before the end of the periods provided for in (a) and (b), at the request of the body indicated by the Commission.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽³⁾ OJ No L 364, 14. 12. 1989, p. 54.

Article 2

1. Tenders shall be forwarded by written telecommunication (telex or telefax) to the address indicated below.

In order to be deemed admissible, tenders must be complete and reach the following address by 12 noon (Brussels time) on 19 June 1991:

Commission of the European Communities,
Milk Products Division,
Bâtiment Loi 120, Office 8/68,
200 rue de la Loi,
B-1049 Bruxelles;
(telex AGREC 22037B or 25670B),
(telefax Bruxelles 235 33 10).

Where no supply contract is awarded, pursuant to Article 3 a second deadline for the submission of tenders shall expire at 12 noon (Brussels time) on 3 July.

2. Tenders shall be valid only if:

- (a) they refer clearly to the supply provided for in Article 1 and this Regulation;
- (b) they indicate the name, address, telex and telefax numbers of the tenderer, who must be established in the Community;
- (c) each tender refers to one or more lots of 500 tonnes (net weight of goods). Tenders shall state the exact number of lots (net weight) to which they refer;
- (d) they specify an amount per tonne expressed in ecus covering the whole supply of one lot; that amount shall include packaging costs;
- (e) they indicate the exact address of the place of manufacture and packaging and the store in which the products will be kept available to the agency to be indicated by the Commission. Each tender may indicate a single place of storage only;
- (f) they are accompanied by proof that the tenderer has lodged a tendering security of ECU 20 per tonne in favour of the Commission, in accordance with the provisions of Title III of Regulation (EEC) No 2220/85. Such proof shall consist of a document issued by the body granting the security.

Tenders not submitted in accordance with this Article or which contain terms other than those laid down in the invitation to tender shall be rejected.

Tenders shall not be modified or withdrawn.

Article 3

1. On the basis of the tenders received:

- supply contracts shall be awarded to tenderers whose tenders indicate the lowest amounts, or, where appropriate,
- no contract shall be awarded, in particular where tenders submitted specify prices in excess of those normally applying on the market.

2. For the purposes of comparing tenders only, the accession compensatory amounts shall be taken into account for products manufactured in the new Member States.

3. Within five working days following the closing date for the submission of tenders, the Commission shall inform all tenderers of the outcome of their tenders by written telecommunication. Where appropriate, the successful tenderer shall be notified forthwith of the award by written telecommunication.

Article 4

1. The tendering security provided for in Article 2 (2) (f) shall be released immediately where tenders are not accepted or where no supply contract is awarded.

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

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

Article 5

Within five working days following notification of award of a supply contract, the successful tenderer shall forward to the body indicated in Article 6 proof of lodging of a supply security in favour of the latter, amounting to 10 % of the price quoted in the tender, in accordance with Title III of Regulation (EEC) No 2220/85. Proof shall consist of a document issued by the body granting the security.

Article 6

1. The successful tenderer shall submit an application for payment of the supply to the intervention agency of the Member State in which the place mentioned in Article 1 (2) (b) at which the products are kept available is located before 28 September 1991.

Such application shall be accompanied by:

- the original of the certificate of takeover drawn up in accordance with the specimen set out in the Annex and issued by the body designated by the Commission,
- the attestation drawn up by the body mentioned in Article 7 on completion of checks conducted.

Payment shall be made for the quantities (net weight) mentioned in the certificate of takeover.

2. If the goods are not taken over at the date indicated in Article 1 (2) (b), the successful tenderer shall have the body responsible for checks ascertain the fact that the goods have been made available in accordance with that Article. He shall obtain payment of the price he tendered for the quantities in respect of which the body responsible for checks certifies that he has met his obligations.

The body responsible for payment shall, after consulting the Commission, take appropriate measures concerning the disposal of the goods.

Article 7

The manufacture, presentation and packaging of the product shall be monitored by the body designated by the Member State in which the place of manufacture and packaging is located.

The successful tenderer shall submit to the checks carried out by that body. He shall notify the latter for that purpose of the places and period of manufacture and packaging of the product to be supplied at least five days in advance and of the address of the store mentioned in Article 1 (2) (b) at which the goods are made available.

On completion of the checks, the body shall issue a certificate of conformity certifying that the whole-milk powder has been processed from the milk of healthy animals, free of foot-and-mouth disease and any other infectious or contagious disease.

Article 8

1. The primary requirements relating to the supply within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the execution of this supply under the conditions laid down. The quantity delivered shall be considered satisfactory where the difference between the

net weight recorded on takeover and that of the quantity laid down is not more than 1 %.

2. The supply security shall be released when the successful tenderer provides the intervention agency concerned with the documents mentioned in Article 6.

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

Article 9

The conversion rates to be used for the payment of prices tendered and for the tendering and supply securities shall be the agricultural conversion rates applying on the closing date for the submission of tenders.

Article 10

1. The Commission shall notify the bodies referred to in Articles 6 and 7 of the names of the successful tenders and of any information necessary for executing the supplies.

2. The bodies referred to in paragraph 1 shall notify the Commission of any information relating to the supplies, and in particular of the outcome of checks and the conditions of takeover of the goods.

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, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

CERTIFICATE OF TAKEOVER

I, the undersigned :

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

acting in the name of on behalf of
..... certify that the goods listed below,
delivered pursuant to Commission Regulation (EEC) No 1581/91, have been taken over :

— Place and date of takeover :

.....

— Type of product :

.....

— Tonnage, weight taken over (net) :

.....

— Packaging :

.....

.....

.....

.....

Remarks :

.....

.....

.....

.....

.....

.....

Signature :

—

ANNEX II

Whole-milk powder with a minimum fat content of 26 % must be produced using the spray method and must be manufactured no more than one month before the date on which it is made available at the port of shipment. The quality must be 'extra grade' and must meet the following characteristics :

- | | |
|---|---|
| (a) fat content : | minimum of 26,0 % ; |
| (b) water content : | maximum of 3 % |
| (c) titratable acidity (as a percentage of non-fat dry matter) ADMI : | |
| — in millilitres of decinormal sodium hydroxide solution : | maximum of 3,0 % ; |
| — in lactic acid : | maximum of 0,15 % |
| (d) lactate content (in relation to non-fat dry matter) : | maximum of 150 mg/100g ; |
| (e) additives : | none ; |
| (f) phosphatase test : | negative, i.e. equal to or less than four micrograms of phenol per gram of reconstituted milk ; |
| (g) solubility index : | maximum of 0,5 ml ; |
| (h) burnt-particles index : | maximum of 15,0 mg, i.e. at least disc B ; |
| (i) micro-organism count : | maximum of 50 000 per gram ; |
| (k) coli-aerogenes-organisms : | negative in 0,1 g ; |
| (l) whey test : | negative ; |
| (m) taste and smell : | clean ; |
| (n) appearance : | white or slightly yellow colour, absence of impurities and coloured particles. |

The control methods will be those specified in Annex I (2) (a) and (b) to Commission Regulation (CEE) No 625/78 ⁽¹⁾. However, reference will be made to IDF International Standard 109 (1982) for the micro-organism count, and to international Standard 73A (1985) for the identification of coli-aerogenes-organisms.

⁽¹⁾ OJ No L 84, 31. 3. 1978, p. 19.

COMMISSION REGULATION (EEC) No 1582/91
of 11 June 1991

laying down certain detailed rules for the application of Council Regulation (EEC) No 598/91 for the supply of canned beef 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 ⁽¹⁾, and in particular Article 5 (2) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purpose of the common agricultural policy ⁽²⁾, as last amended by Regulation (EEC) No 2205/90 ⁽³⁾, and in particular Article 2 (4) 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 beef; whereas this request should be granted by releasing a sufficient quantity of intervention beef for that purpose;

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 certain detailed rules of application of Regulation (EEC) No 598/91 should be laid down, in particular concerning the conditions for the tender participation, for the procedure of determining the successful tenderer as well as for his obligations related to the manufacturer of the canned beef;

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 ⁽⁴⁾, as last amended by Regulation (EEC) No 3745/89 ⁽⁵⁾;

Whereas, for the purposes of payment of tenders and the securities to be lodged, and in order to avoid market distortions as a result of monetary factors, provisions should be made for the use of the representative market rates referred to in Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Council Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁶⁾, as last amended by Regulation (EEC) No 3237/90 ⁽⁷⁾;

Whereas the manufacture and the packaging of the products should be submitted to a permanent control by the intervention agencies of the Member States;

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

Whereas products held by intervention agencies and intended for a particular destination are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 1513/91 ⁽⁹⁾; whereas the Annex to the said Regulation should be modified;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee provided for 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 delivery of canned beef as defined in Annex I for the people of the Soviet Union pursuant to Regulation (EEC) No 598/91 and in accordance with the conditions laid down in this Regulation.

2. The following intervention beef shall be made available for the manufacture of the product to be delivered:

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁵⁾ OJ No L 364, 14. 12. 1989, p. 54.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁷⁾ OJ No L 310, 9. 11. 1990, p. 18.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 141, 5. 6. 1991, p. 24.

- forequarters bone-in,
- hindquarters bone-in,
- boneless cuts, except fillets and striploins, having been trimmed to an intervention specification of a minimum of 90 % visible lean.

Details of the quantities available and the places where the products are stored may be obtained from the intervention agencies listed in Annex III to this Regulation.

Within the limits of the quantities available the intervention beef shall be released from cold stores situated within a reasonable geographical distance from the successful tenderer. As far as possible the intervention agencies shall release first the meat which has been stored the longest.

No claims to any particular lots shall be allowed.

Article 2

The delivery shall comprise :

- (a) the processing and packaging in the Community of intervention beef as specified in Article 1 (2) taking into account that the intervention beef is delivered at the loading bay of the intervention cold stores in accordance with the prevailing intervention agencies rules for release from storage ;
- (b) the possible storage at the manufacturer's expense until the taking over of the canned beef by the organization designated by the Commission ;
- (c) the actual delivery of the canned beef not later than 20 September 1991 inclusive to the designated organization at the loading bay of the manufacturer's warehouse.

Article 3

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 beef sector for at least the preceding 12 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. Tenders shall be submitted in writing to one of the intervention agencies listed in Annex III against acknowledgement or by registered letter before 12 noon on 18 June 1991. Tenders may equally be submitted by telex.

In the case where not tender is accepted in accordance with Article 4 (2) tenders for a second submission may be lodged before 12 noon on 2 July 1991.

3. Tenders shall be valid only if :

- (a) they refer clearly to the delivery provided for in this Regulation ;

- (b) they indicate the name, address, telex and telefax numbers of the tenderer established in the Community ;
- (c) each tender refers to only one of the categories referred to in Article 1 (2) ;
- (d) they comprise a minimum quantity of 100 tonnes of intervention beef ;
- (e) specify in ecus per tonne of intervention beef the costs of production, packaging and delivery of canned beef in accordance with the provisions of Article 2 ;
- (f) indicate the Member State where manufacture is to take place ;
- (g) indicate as precisely as possible the total net weight of the content of the canned products to be produced from the quantity referred to in (d) ;
- (h) be accompanied by a written undertaking by the tenderer to produce through the deboning, trimming and cutting operations the highest possible quantity of eligible meat to be canned ;
- (i) be accompanied by a written statement by the tenderer permitting any control measures deemed appropriate by the competent authorities in the Member States concerned ;
- (j) be accompanied by a tender security of ECU 15 per tonne of intervention beef lodged with the intervention agency in accordance with Title III of Regulation (EEC) No 2220/85.

4. The tender cannot be modified nor withdrawn.

Article 4

1. The intervention agencies shall forward to the Commission⁽¹⁾ the submitted tenders to arrive not later than the second working day following the final date for submission of tenders. Where no tenders are submitted, Member States shall inform the Commission of this within the time limit as specified in the first subparagraph.

2. On the basis of the tenders received, the Commission shall decide in respect of each category of intervention beef provided for in Article 1 (2) either to fix a maximum amount of costs or to make no award. Where a maximum amount of costs is fixed, tenders not exceeding this amount shall be accepted.

⁽¹⁾ Commission of the European Communities
DG VI.D.2
120 rue de la Loi, office 8/3
B-1049 Bruxelles ;
telex AGREC 22037 B, telefax (02) 235 33 10.

3. Within three working days following the day on which the Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of that decision by registered letter, by telex or against written acknowledgement.

Where a tender is accepted, the contract shall be deemed to have been concluded on the date of notification of the intervention agency to the tenderer as referred to in the first subparagraph.

Article 5

1. The tender security provided for in Article 3 (3) (j) shall be released immediately where tenders are not accepted.

2. The primary requirements 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 referred to in Article 4 (2) has been adopted ;
- (b) for the successful tenderers :
 - the lodging of the delivery security in accordance with Article 6 (2),
 - the take-over of the quantity for which the security referred to in the first indent is lodged.

Article 6

1. Successful tenderers must take over the beef from intervention cold stores on 31 August 1991 at the latest.

2. Before the meat is taken over from intervention stocks the successful tenderer shall inform in writing the intervention agency releasing the meat of the establishment or establishments where the meat is to be processed and from where delivery of the canned beef is to take place. The establishment concerned must be Community approved in accordance with Council Directive 77/99/EEC⁽¹⁾.

3. Before taking over, a delivery security shall be lodged by the successful tenderer with the intervention agency of the Member States in which the manufacture and delivery of the canned beef is to take place, in accordance with Title III of Regulation (EEC) No 2220/85. The amount of the security shall be equal to :

- ECU 2 000 per tonne of bone-in forequarters,
- ECU 2 500 per tonne of bone-in hindquarters,
- ECU 3 000 per tonne of boneless beef.

4. Where Article 5 (2) of Regulation (EEC) No 569/88 is applied the meat can be taken over only when the

intervention agency holding the products has received the certificate referred to in that paragraph.

5. Upon authorization by the intervention agency in the Member State of processing the successful tenderer may :

- instruct an agent to take delivery of the intervention products on his behalf,
- have bone-in beef deboned on his behalf outside the establishments indicated in paragraph 2. The deboning operations must take place in the Member State of processing.

6. The authorization referred to in paragraph 5 shall only be granted where the Member State concerned can ensure the necessary control related to the transport and deboning operations.

Article 7

1. When the intervention beef is being deboned or trimmed, no other meat may be in the boning or trimming room,

2. The beef to be used for processing must be trimmed to a minimum of 90 % visible lean.

3. All the bones, larger tendons and cartilages must be removed. The deboning and trimming operations must be carried out in such a way that the highest possible quantity of eligible meat is used for processing.

4. Where bone-in hindquarters are used processing shall take place after the fillet and striploin, as defined in the intervention specifications, have been removed.

5. Bones, fat, trimmings and, as the case may be, fillets and striploins shall belong to the successful tenderer.

Article 8

The successful tenderer shall ensure that the canned meat produced is placed and kept in store in easily identifiable lots, each lot comprising uniform can size.

No substitution of the canned beef shall be allowed.

Article 9

1. Intervention agencies shall be responsible for the supervision of all movements and operations related to the beef concerned until the time where the canned beef is taken over by the designated organization indicated in the take-over certificate laid down in Annex II.

2. Supervision must include :

- (a) permanent physical control to verify that all the meat taken over from intervention stores and trimmed to the necessary extent is used for the manufacture of canned beef in accordance with the specifications laid down in Annex I;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 85.

(b) when actual delivery takes place, physical control to verify that the canned beef produced and stored fully corresponds with the canned beef to be delivered.

3. In respect of each delivery contract a report shall be made stating the findings of the supervision referred to in paragraph 1. Where those findings are considered as satisfactory by the official responsible he shall issue the appropriate certification to the successful tenderer.

Article 10

1. The intervention agency shall inform the successful tenderer of the designated organization who shall take delivery of the canned beef at the loading bay of the tenderer's warehouse. The delivery schedule shall be fixed between the tenderer and that organization with a view to expediting the delivery and take-over of the products as soon as possible. For this purpose, the Commission shall inform the designated organization of the name and address of the successful tenderer.

2. All the canned beef produced by the successful tenderer shall be delivered to the designated organization not later than 20 September 1991 against reception of a take-over certificate, duly filled in and signed, the model of which is shown in Annex II.

Article 11

1. Upon application of payment accompanied by the original take-over certificate referred to in Article 10 (2) and the certification referred to in Article 9 (3) the intervention agency concerned shall immediately pay the successful tenderer the amount laid down in his tender.

2. Applications for payments shall reach the intervention agency responsible for supervision not later than 27 September 1991.

3. If the merchandise is not taken over by the date indicated in Article 10 (2), the tenderer shall ask the organization responsible for the checks to certify that the product was available for take-over by 20 September 1991.

In this case, payment shall only be made for the quantities for which the organization responsible for the checks have 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 12

1. In request of the delivery security referred to in Article 6 (3), the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the delivery, free at the loading bay, of the canned beef produced and packed according to the conditions and specifications laid down in this Regulation.

2. The delivery security shall be released immediately after the successful tenderer has provided the intervention

agency with the take-over certificate and the certification referred to in Article 9 (3).

Article 13

The conversion rates to be used for payment of tenders ad for the tender and delivery securities shall be the representative market rates referred to in Article 3a of Regulation (EEC) No 3152/85 valid on the final date for the submission of tenders.

Article 14

In part II of the Annex to Regulation (EEC) No 569/88, the following item and footnote are added:

'26. Commission Regulation (EEC) No 1582/91 of 11 June 1991 laying down certain detailed rules for the application of Council Regulation (EEC) No 598/91 for the supply of canned beef intended for the people of the Soviet Union ⁽²⁶⁾:

on the dispatch of the meat for processing:

Section 44 of the SAD, or the most appropriate section of the document used:

Destinados a la transformación [Reglamento (CEE) n° 1582/91]

Til forarbejdning [forordning (EØF) nr. 1582/91]

Zur Verarbeitung bestimmt [Verordnung (EWG) Nr. 1582/91]

Προς μεταποίηση [Κανονισμός (ΕΟΚ) αριθ. 1582/91]

For processing [Regulation (EEC) No 1582/91]

Destinées à la transformation [règlement (CEE) n° 1582/91]

Destinate alla trasformazione [regolamento (CEE) n. 1582/91]

Bestemd om te worden verwerkt [Verordening (EEG) nr. 1582/91]

Destinadas a transformação [Reglamento (CEE) n° 1582/91]

⁽²⁶⁾ OJ No L 147, 12. 6. 1991, p. 20.'

Article 15

The successful tenderers shall each Tuesday and in respect of the preceding week communicate to the Commission ⁽¹⁾:

- the net weight of the produced cans, and
- the quantity delivered to the designated organization.

Article 16

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

⁽¹⁾ See footnote ⁽¹⁾ in Article 4 (1).

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I**PRODUCT SPECIFICATIONS FOR CANNED BEEF****A. Product description**

Shelf stable canned and cooked beef fulfilling the requirements laid down in Annex B, chapter II of Council Directive 77/99/EEC.

Minimum guaranteed shelf life : three years.

B. Product specifications**1. Composition of the content of each can before cooking :**

- ± 80 % in form of trimmed beef ; a minimum of 90 % of this meat must have been diced into pieces of at least 1,5 cm and at most 0,3 cm on each face ;
- ± 18,5 % water ;
- ± 1,5 % salt.

2. Size of can :

- minimum 200 grammes net content,
- maximum 3,0 kilos net content.

3. The cans must be hermetically sealed with no trace of corrosion on the seams or internal parts.**4. An opener tool shall be attached to each can.****5. Each can shall be indelibly marked with the following text in Russian and one of the official languages of the Community : 'EEC aid for USSR — Commission Regulation (EEC) No 1582/91' in 5 mm block letters.**

The lithographed label must at least indicate in one of the official languages of the Community :

- the list of ingredients,
- net content in kilos/grammes,
- the production and expiry dates,
- the name and address of the manufacturer,
- the veterinary approval number of the processing establishment.

C. Packaging

The cans must be packed in standard export cartons suitable for both land and sea transport. Each carton is to be properly sealed upon packing. The sealed cartons must be secured with strong fibre of other suitable tape.

Each carton shall be marked : 'EEC aid to USSR — canned beef 1991' in at least 2 cm high block letters in Russian and in one of the official languages of the Community. Furthermore, each carton shall indicate the name of the manufacturer, the number of cans and the total net content in kilos/grammes.

ANNEX II

TAKE-OVER CERTIFICATE

I, the undersigned :

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

acting on behalf of for the account of the
..... hereby certify that the goods referred to below,
delivered pursuant to Commission Regulation (EEC) No 1582/91, have been taken over :

— Place and date of taking-over :

.....

— Type of product :

.....

— Tonnage, weight taken over (gross) :

.....

— Packaging :

.....

.....

.....

.....

Comments :

.....

.....

.....

.....

.....

.....

Signature :

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III
— ALLEGATO III — BIJLAGE III — ANEXO III*

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção

BELGIQUE/BELGIË: Office belge de l'économie et Belgische Dienst voor Bedrijfs-
de l'agriculture leven en Landbouw
Rue de Trèves 82 Trierstraat 82
B-1040 Bruxelles B-1040 Brussel
[tél.: (2) 230 17 40; téléfax: (2) 230 25 33; télex: 24076 OBEA BRU B; 65567
OBEA BRU B]

BUNDESREPUBLIK
DEUTSCHLAND: Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (069) 1 56 4 — App. 772/773
Telex: 41 11 56

DANMARK: Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
tlf. 3115 41 30, telex 15137 DK, telefax 31926 948

ΕΛΛΑΔΑ: Κτηνοτροφική
οδός Σταδίου 33
Αθήνα 10559
τηλ. 321 23 59, τέλεξ 221683

ESPAÑA: SENPA (Servicio Nacional de Productos Agrarios)
Calle Beneficencia 8
E-25004 Madrid
Teléfonos: 2 22 29 61, 2 22 91 20, 2 21 65 30.
Télex: SENPA 23427 E

FRANCE: OFIVAL
Tour Montparnasse
33, avenue du Maine
F-75755 Paris Cedex 15
(tél.: 45 38 84 00; télex: 260643)

IRELAND: Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

ITALIA: Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
via Palestro, 81, Roma
Tel. 47 49 91
Telex 61 30 03

LUXEMBOURG: Service d'économie rurale, section cheptel et viande
113-115, rue de Hollerich
Luxembourg
(tél.: 478/443; télex: 2537)

NEDERLAND: Ministerie van Landbouw en Visserij
Voedselvoorzienings- en verkoopbureau (VIB)
Burg. Kessenplein 3
Postbus 960
6430 AZ Hoensbroek
Tel. 045 / 23 83 83, telefax 045 / 22 27 35, telex 56396

UNITED KINGDOM: Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302

PORTUGAL: INGA
Instituto Nacional de Intervenção e Garantia Agrícola
Rua Camilo Castelo Branco, 45
P-1000 Lisboa
Tel. 53 88 12 / 3 / 4 / 5 / 6 / 7 / 8
Telefax 691138
Telex 66209 INGAP

COMMISSION REGULATION (EEC) No 1583/91

of 11 June 1991

re-establishing the levying of customs duties applicable to third countries on
certain products originating in Yugoslavia

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

Having regard to the Cooperation Agreement between the
European Economic Community and the Socialist Federal
Republic of Yugoslavia ⁽¹⁾, and in particular Protocol 1
thereto,

Having regard to Council Regulation (EEC) No 3412/90
of 19 November 1990 establishing ceilings and Commu-
nity surveillance for imports of certain products origina-
ting in Yugoslavia (1991) ⁽²⁾, and in particular Article 1
thereof,

Whereas the abovementioned Protocol 1 and Article 15 of
the Cooperation Agreement provide that the products
listed in the Annex hereto are imported exempt of
customs duty into the Community, subject to the annual
ceiling shown in the Annex hereto, above which the
customs duties applicable to third countries may be
re-established;

Whereas imports into the Community of those products,
originating in Yugoslavia, have reached that ceiling;
whereas the situation on the Community market requires
that customs duties applicable to third countries on the
products in question be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

From 15 June to 31 December 1991, the levying of
customs duties applicable to third countries shall be
re-established on imports into the Community of the
products listed in the Annex, originating in Yugoslavia.

Article 2

This Regulation shall enter into force on the third 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, 11 June 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

Order No	CN code	Description	Ceiling (tonnes)
01.0200	7606	Aluminium plates, sheets and strip, of a thickness exceeding 0,2 mm	4 530

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 335, 30. 11. 1990, p. 1.

COMMISSION REGULATION (EEC) No 1584/91

of 11 June 1991

introducing a countervailing charge on apricots originating in Tunisia

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⁽¹⁾, as last amended by Regulation (EEC) No 3920/90⁽²⁾, 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 1185/91 of 7 May 1991 fixing for the 1991 marketing year the reference prices for apricots⁽³⁾ fixed the reference price for products of class I at ECU 106,26 per 100 kilograms net for the period from 1 to 10 June 1991;

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; 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⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for apricots originating in Tunisia 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 apricots;

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⁽⁶⁾, as last amended by Regulation No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 4,94 per 100 kilograms net is applied to apricots (CN code 0809 10 00) originating in Tunisia.

Article 2

This Regulation shall enter into force on 13 June 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 115, 8. 5. 1991, p. 17.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1585/91

of 11 June 1991

altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 1547/91⁽³⁾, as amended by Regulation (EEC) No 1561/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1547/91

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1547/91 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 12 June 1991.

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 143, 7. 6. 1991, p. 40.

⁽⁴⁾ OJ No L 144, 8. 6. 1991, p. 42.

ANNEX

to the Commission Regulation of 11 June 1991 altering the export refunds on cereals fixing
and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	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	28,00
	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	30,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	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	—	—

(¹) The destinations are identified as follows :

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

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 1586/91**of 11 June 1991****altering 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⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,

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⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 1548/91⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 1548/91 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 June 1991.

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

Done at Brussels, 11 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 143, 7. 6. 1991, p. 44.

ANNEX

to the Commission Regulation of 11 June 1991 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (*)	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 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	01	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	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 600	01	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	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(*) For the following destinations:

01 All third countries.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 31 May 1991

on the transit of natural gas through grids

(91/296/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas it is necessary to adopt measures with the aim of progressively establishing the internal market during the period ending 31 December 1992; whereas successive European Councils have recognized the need for a single internal market and, particularly in Rhodes, the need for a single energy market;

Whereas completion of the internal market in energy in general, and more particularly in the natural gas sector, requires the development of a Community energy strategy that will be equal to the challenges of:

- security of supply,
- environmental protection;

Whereas there must be greater integration of the European energy market if the single internal market is to be achieved; whereas natural gas is an essential component of the Community's energy balance;

Whereas greater reliance on natural gas is desirable as part of diversification of energy sources;

Whereas the completion of the internal market for energy, more particularly in the natural gas sector, will take into account the objective of economic and social cohesion;

Whereas the objective of the internal natural gas market is to ensure greater profitability, compatibility with the environment and security of supplies by free trade, without unacceptable restrictions on competition; whereas the specific characteristics of the natural gas sector must be taken into account if the pursuit of this objective is to be successful;

Whereas in completing the internal market in natural gas, consideration should be given not only to comparable features in the Member States but equally to sometimes significant differences;

Whereas trade in natural gas between the high-pressure gas transmission grids of European countries is increasing from year to year and has implications in terms of investment; whereas the Community's security of natural gas supply could be improved and costs reduced by operating the interconnections required for such trade;

Whereas the exchange of natural gas between high-pressure gas transmission grids is being conducted on such a scale that the transactions requested and their consequences should be systematically known to the Commission;

Whereas it is possible and desirable to increase natural gas transfers between grids and also take account of the imperatives of security and quality of natural gas supply;

⁽¹⁾ OJ No C 247, 28. 9. 1989, p. 6 and
OJ No C 268, 24. 10. 1990, p. 9.

⁽²⁾ OJ No C 231, 17. 9. 1990, p. 72 and
OJ No C 129, 20. 5. 1991.

⁽³⁾ OJ No C 75, 26. 3. 1990, p. 20.

whereas studies show that greater natural gas transfers between grids can minimize the cost of investment ;

Whereas in the future additional interconnections between several Member States will need to be made to allow adequate supplies ;

Whereas increased natural gas transfers between grids would also encourage cooperation between natural gas transmission companies to find ways of improving natural gas transmission equipment ; whereas such improvements will also cut costs ;

Whereas there are still obstacles to increased trade in natural gas between grids ; whereas, provided that they are not due to the nature of the technology used or of the grids themselves, such obstacles can be reduced by making the transit of natural gas through grids compulsory and introducing an appropriate system for monitoring compliance with this obligation ;

Whereas this obligation and monitoring system concern the transit of natural gas involved in trade which is in the Community interest, namely transit through high-pressure grids ;

Whereas the financial, technical and legal conditions of such transit must, as a general rule, be worked out directly between the grids concerned ;

Whereas the conditions of transit should be fair and should not bring about, directly or indirectly, conditions contrary to Community competition rules ;

Whereas, in order to facilitate the conclusion of transit contracts, the Commission is providing for a conciliation procedure to be set up under which submission will be compulsory at the request of one of the parties, without the result of that procedure producing a legally binding effect ;

Whereas it is necessary to approximate the provisions adopted by the Member States which affect the transit of natural gas ;

Whereas the establishment of an internal natural gas market will stimulate the gradual dynamic integration of national natural gas grids ; whereas in this context special infrastructure measures would help to accelerate the linking-up of outlying areas and islands in the Community to the overall interconnected grid ;

Whereas the interconnection of European grids extends over a geographical territory which does not coincide with the Community's frontiers : whereas there is an obvious advantage in seeking cooperation with third countries involved in the interconnected European grid,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Member States shall take the measures necessary to facilitate transit of natural gas between high-pressure transmission grids in accordance with the conditions laid down in this Directive.

Article 2

1. Every transaction for the transport of natural gas under the following conditions shall constitute transit of natural gas between grids, for the purpose of this Directive, without prejudice to any special agreements concluded between the Community and third countries :

- (a) transmission is carried out by the entity or entities responsible in each Member State for high-pressure natural gas grids, with the exception of distribution grids, in a Member State's territory which contribute to the efficient operation of European high-pressure interconnections ;
- (b) the grid of origin or final destination is situated in the Community ;
- (c) this transport involves the crossing of at least one intra-Community frontier.

2. The high-pressure natural gas transmission grids and the entities responsible for them in the Member States, which are listed in the Annex, shall be covered by this Directive. This list shall be updated by the Commission, after consultation with the Member State concerned, whenever necessary within the context of the objectives of this Directive and in particular taking into account paragraph 1 (a).

Article 3

1. Contracts involving transit of natural gas between grids shall be negotiated between the entities responsible for those grids and for the quality of service provided and, where appropriate, with the entities responsible in the Member States for importing and exporting natural gas.

2. The conditions of transit shall, pursuant to the rules of the Treaty, be non-discriminatory and fair for all parties concerned, shall not include unfair clauses or unjustified restrictions and not endanger security of supply nor quality of service, in particular taking full account of the utilization of reserve production and storage capacity and the most efficient operation of existing systems.

3. Member States shall taken the measures necessary to ensure that the entities under their jurisdiction referred to in the Annex act without delay to :

- notify the Commission and the national authorities concerned of any request for transit;
- open negotiations on the conditions of the natural gas transit requested;
- inform the Commission and the national authorities concerned of the conclusion of a transit contract;
- inform the Commission and the national authorities concerned of the reasons for the failure of the negotiations to result in the conclusion of a contract within twelve months following communication of the request.

4. Each of the entities concerned may request that the conditions of transit be subject to conciliation by a body, set up and chaired by the Commission on which the entities responsible for grids in the Community are represented.

Article 4

If the reasons for the absence of agreement on a request for transit appear unjustified or insufficient, the Commission, acting on a complaint from the requesting body or

on its own initiative, shall implement the procedures provided for by Community law.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1992. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 31 May 1991.

For the Council

The President

A. BODRY

ANNEX

List of entities and high-pressure gas transmission grids

Member State	Entity	Grid
Federal Republic of Germany	Bayerngas GmbH	Grid supplying end distributors (municipal authorities, etc.) and major end users
	BEB Erdgas und Erdöl GmbH	
	Deutsche Erdgas Transport GmbH	
	Energieversorgung Weser Ems AG (EWE)	
	Erdgas Verkaufs-Gesellschaft mbH	
	Ferngas Nordbayern GmbH	
	Ferngas Salzgitter GmbH	
	Gas-Union GmbH	
	Mobil Oil AG	
	Ruhrgas AG	
	Saar Ferngas AG	
	Thyssengas GmbH	
	Vereinigte Elektrizitätswerke Westfalen AG (VEW)	
	Westfälische Ferngas AG	
	Energieversorgung Mittelrhein	
	EWAG, Nürnberg	
	Erdgas Schwaben GmbH	
	Erdgas Südbayern GmbH	
	GEW Köln	
	Gasversorgung Süddeutschland	
	Gasversorgung Südhannover/Nordhessen	
	Hamburger Gaswerke	
	Landesgasversorgung Niedersachsen	
	Main-Gaswerke AG	
	Schleswig AG	
	Südhessische Gas und Wasser AG	
	Technische Werke der Stadt Stuttgart AG	
	Thüga AG	
	GASAG, Berlin	
Belgium	Distrigaz SA	Public grid
Denmark	Dansk Naturgas A/S	
Spain	Empresa Nacional de Gas SA (ENAGAS)	Grid supplying end distributors (municipal authorities, etc.) and major end-users
	Catalana de Gas	
	Gas De Euskadi	
Greece	DEPA	Public grid
Luxembourg	SOTEG	
Netherlands	NV Nederlandse Gasunie	
Italy	Snam SpA	Public grid
France	Gaz de France	
	SNGSO	
	Compagnie française du méthane (CEFEM)	High-pressure gas grid
United Kingdom	British Gas	
Ireland	Irish Gas Board	