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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EEC) No 1757/91 of 17 June 1991 opening and providing for the administration of Community tariff quotas for certain quality wines and sparkling wines, originating in Austria** 1
- ★ **Council Regulation (EEC) No 1758/91 of 17 June 1991 amending Regulation (EEC) No 599/91 introducing a credit guarantee for exports of agricultural products and foodstuffs from the Community to the Soviet Union** 4
- Commission Regulation (EEC) No 1759/91 of 21 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal 5
- Commission Regulation (EEC) No 1760/91 of 21 June 1991 fixing the premiums to be added to the import levies on cereals, flour and malt 7
- Commission Regulation (EEC) No 1761/91 of 21 June 1991 fixing the import levies on rice and broken rice 9
- Commission Regulation (EEC) No 1762/91 of 21 June 1991 fixing the premiums to be added to the import levies on rice and broken rice 11
- Commission Regulation (EEC) No 1763/91 of 21 June 1991 on the supply of various lots of butteroil as food aid 13
- Commission Regulation (EEC) No 1764/91 of 21 June 1991 on the supply of various lots of skimmed-milk powder as food aid 17
- ★ **Commission Regulation (EEC) No 1765/91 of 14 June 1991 laying down the level of the accession compensatory amounts for milk and milk products applicable in trade between the Community of Ten and Spain and between Spain and third countries** 28

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(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

* Commission Regulation (EEC) No 1766/91 of 14 June 1991 amending Commission Regulation (EEC) No 3813/90 laying down the level of the accession compensatory amounts for milk and milk products applicable in trade between the Community of Ten and Portugal and between Portugal and third countries	36
* Commission Regulation (EEC) No 1767/91 of 14 June 1991 amending Commission Regulation (EEC) No 3814/90 laying down the level of the accession compensatory amounts for milk and milk products in trade between Spain and Portugal	42
* Commission Regulation (EEC) No 1768/91 of 21 June 1991 amending Regulation (EEC) No 2921/90 on aid for the production of casein and caseinates from skimmed-milk	49
* Commission Regulation (EEC) No 1769/91 of 21 June 1991 derogating from Regulation (EEC) No 1760/83 on special detailed rules for the application of the system of prefixation for certain agricultural products exported in the form of goods not covered by Annex II to the EEC Treaty	51
* Commission Regulation (EEC) No 1770/91 of 21 June 1991 providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 1 October to 31 December 1990	52
* Commission Regulation (EEC) No 1771/91 of 21 June 1991 laying down detailed rules for the application of Council Regulation (EEC) No 597/91 for the supply of sunflower oil to Romania	54
Commission Regulation (EEC) No 1772/91 of 21 June 1991 fixing the amount of the subsidy on oil seeds	58
Commission Regulation (EEC) No 1773/91 of 21 June 1991 fixing the import levies on white sugar and raw sugar	61
Commission Regulation (EEC) No 1774/91 of 21 June 1991 amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender	63
Commission Regulation (EEC) No 1775/91 of 21 June 1991 amending Regulation (EEC) No 1676/91 introducing a countervailing charge on fresh lemons originating in Argentina	65
Commission Regulation (EEC) No 1776/91 of 21 June 1991 introducing a corrective amount on the import of apricots into the Community of Ten from Spain (except the Canary Islands)	66
Commission Regulation (EEC) No 1777/91 of 21 June 1991 fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced	67
Commission Regulation (EEC) No 1778/91 of 21 June 1991 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	69

II *Acts whose publication is not obligatory*

Commission

91/306/EEC :

- * **Commission Decision of 12 December 1990 concerning two aid projects of the German Government in favour of a shipyard in financial difficulties C 54/89 (ex NN 27/89, N 140/89) 71**

Corrigenda

- * **Corrigendum to 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 (OJ No L 147 of 12.6.1991) 76**

I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 1757/91****of 17 June 1991****opening and providing for the administration of Community tariff quotas for certain quality wines and sparkling wines, originating in Austria**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in accordance with the Agreement with Austria regarding reciprocal creation of tariff quotas for certain quality wines, the Community is committed to suspending in full the customs duties applicable to quality wines and sparkling wines, originating in Austria, which conform to the wine and viticulture law of 1985 of the Republic of Austria, presented in containers not exceeding two litres, within the limits of annual tariff quotas of 85 000 and 2 000 hectolitres respectively; whereas this Agreement also provides that the quota period is from 1 July of each year to 30 June of the next year and whereas the duties applicable in Spain and Portugal are equal to those applied by Member States with respect to the Community as constituted at 31 December 1985; whereas it is necessary therefore to open for the period 1 July 1991 to 30 June 1992 the Community tariff quotas in question at the amounts provided for in the Agreement;

Whereas it is in particular necessary to allow all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all

imports of the products concerned into all Member States until the quotas have been used up; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quotas are being used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning, in particular, the administration of quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1991 to 30 June 1992 the customs duties applicable on importation of the following products originating in Austria shall, without prejudice to paragraph 3, be suspended at levels and within the limits of tariff quotas as indicated with respect to each product:

Order No	CN code (1)	Description	Volume of quota (hl)	Quota duty (%)
09.0803	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39 ex 2204 21 49	Quality wines presented in containers of a capacity not exceeding two litres	85 000	0
09.0805	ex 2204 10 19 ex 2204 10 90	Sparkling quality wines, and presented in containers of a capacity not exceeding two litres	2 000	0

(1) See Taric codes in the Annex.

2. Within the limits of the tariff quotas referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply the same duties as those they apply to similar products of the Community as constituted at 31 December 1985.

3. Admission under the tariff quotas referred to in paragraph 1 shall be reserved to wines accompanied by a document VI 1 or an extract VI 2, completed in accordance with the provisions of Regulation (EEC) No 3590/85⁽¹⁾.

Document VI 1 must include in Box 15 one of the following endorsements, certified by the competent Austrian organization:

'This is to certify that the wines referred to in this document are quality wines/quality sparkling wines⁽²⁾ originating in Austria and in conformity with the 1985 Wine Law of the Republic of Austria.

⁽³⁾ Delete whichever entry is not applicable.'

Furthermore, the wines in question shall remain subject to observance of the free-at-frontier reference price. In order that these wines benefit from the tariff quotas, Article 54 of Regulation (EEC) No 822/87⁽²⁾, as last amended by Regulation (EEC) No 3577/90⁽³⁾, must be complied with.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this

Regulation and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The drawing requests, with indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a *pro rata* basis with respect to the requests. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 July 1991.

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

Done at Luxembourg, 17 June 1991.

For the Council

The President

J. F. POOS

⁽¹⁾ OJ No L 343, 20. 12. 1985, p. 20.

⁽²⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.

*ANNEX***Taric codes**

Order no	CN Code	Taric code
09.0803	ex 2204 21 25	*95
	ex 2204 21 29	*96
	ex 2204 21 35	*95
		*96
	ex 2204 21 39	*95
		*96
09.0805	ex 2204 21 49	*29
	ex 2204 10 19	*91
	ex 2204 10 90	*91

COUNCIL REGULATION (EEC) No 1758/91

of 17 June 1991

amending Regulation (EEC) No 599/91 introducing a credit guarantee for exports of agricultural products and foodstuffs from the Community to the Soviet Union

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Regulation (EEC) No 599/91⁽²⁾ introduces a credit guarantee for the Soviet Union to import agricultural products and foodstuffs from the Community; whereas, at the request of the recipient country, the conditions for the reimbursement of loans originally provided for should be altered in order to take account of commitments entered into previously,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 599/91 shall be replaced by the following:

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

Done at Luxembourg, 17 June 1991.

Article 3

The credit for which repayments are covered by the guarantee may not exceed ECU 500 million. Reimbursement shall involve three instalments of an equal amount, paid 20, 31 and 42 months from the signing of the agreement provided for in Article 2. Interest shall be paid every six months. The first interest payment shall be made six months after the end of the drawing period.

The credit, guaranteed by the Community, shall be backed by a payment and transfer guarantee of a Soviet body empowered to cover sovereign risk and to authorize foreign currency transfers.

The period for drawing upon the credit shall be limited to six months as from the date of signing of the agreement provided for above. This loan may be drawn upon in tranches. Payment of these tranches shall depend upon the degree to which the Soviet Union complies with the provisions of the agreement referred to above and with the conditions laid down for granting the guarantee.

Article 2

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

For the Council

The President

J. F. POOS

⁽¹⁾ OJ No C 158, 17. 6. 1991.

⁽²⁾ OJ No L 67, 14. 3. 1991, p. 21.

COMMISSION REGULATION (EEC) No 1759/91

of 21 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 20 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 22 June 1991.

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

Done at Brussels, 21 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 21 June 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)	
CN code	Levy
0709 90 60	129,66 ⁽²⁾ ⁽³⁾
0712 90 19	129,66 ⁽²⁾ ⁽³⁾
1001 10 10	191,93 ⁽¹⁾ ⁽³⁾
1001 10 90	191,93 ⁽¹⁾ ⁽³⁾
1001 90 91	155,74
1001 90 99	155,74
1002 00 00	150,39 ⁽⁴⁾
1003 00 10	150,38
1003 00 90	150,38
1004 00 10	130,26
1004 00 90	130,26
1005 10 90	129,66 ⁽²⁾ ⁽³⁾
1005 90 00	129,66 ⁽²⁾ ⁽³⁾
1007 00 90	140,04 ⁽⁴⁾
1008 10 00	41,31
1008 20 00	128,51 ⁽⁴⁾
1008 30 00	36,92 ⁽³⁾
1008 90 10	⁽⁷⁾
1008 90 90	36,92
1101 00 00	232,74 ⁽⁴⁾
1102 10 00	225,61 ⁽⁴⁾
1103 11 10	311,13 ⁽⁴⁾
1103 11 90	249,54 ⁽⁴⁾

⁽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 1760/91

of 21 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 20 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 22 June 1991.

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

Done at Brussels, 21 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 21 June 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	0,15
0712 90 19	0	0	0	0,15
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,15
1005 90 00	0	0	0	0,15
1007 00 90	0	0	0	0
1008 10 00	0	3,78	3,78	3,78
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 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	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1761/91
of 21 June 1991
fixing the import levies on rice and broken rice

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice 230/91 broken rice were fixed by Commission Regulation (EEC) No 915/91 ⁽⁵⁾, as last amended by Regulation (EEC) No 1648/91 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 92, 13. 4. 1991, p. 5.

⁽⁶⁾ OJ No L 151, 15. 6. 1991, p. 5.

ANNEX

to the Commission Regulation of 21 June 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾) (⁽³⁾) Bangladesh	Third countries (except ACP or OCT) (⁽⁴⁾)
1006 10 21	—	150,77	308,75
1006 10 23	203,44	132,02	271,25
1006 10 25	203,44	132,02	271,25
1006 10 27	203,44	132,02	271,25
1006 10 92	—	150,77	308,75
1006 10 94	203,44	132,02	271,25
1006 10 96	203,44	132,02	271,25
1006 10 98	203,44	132,02	271,25
1006 20 11	—	189,37	385,94
1006 20 13	254,30	165,93	339,06
1006 20 15	254,30	165,93	339,06
1006 20 17	254,30	165,93	339,06
1006 20 92	—	189,37	385,94
1006 20 94	254,30	165,93	339,06
1006 20 96	254,30	165,93	339,06
1006 20 98	254,30	165,93	339,06
1006 30 21	—	234,06	491,98 (⁽⁵⁾)
1006 30 23	422,84 (⁽⁵⁾)	270,01	563,79 (⁽⁵⁾)
1006 30 25	422,84 (⁽⁵⁾)	270,01	563,79 (⁽⁵⁾)
1006 30 27	422,84 (⁽⁵⁾)	270,01	563,79 (⁽⁵⁾)
1006 30 42	—	234,06	491,98 (⁽⁵⁾)
1006 30 44	422,84 (⁽⁵⁾)	270,01	563,79 (⁽⁵⁾)
1006 30 46	422,84 (⁽⁵⁾)	270,01	563,79 (⁽⁵⁾)
1006 30 48	422,84 (⁽⁵⁾)	270,01	563,79 (⁽⁵⁾)
1006 30 61	—	249,63	523,96 (⁽⁵⁾)
1006 30 63	453,29 (⁽⁵⁾)	289,84	604,39 (⁽⁵⁾)
1006 30 65	453,29 (⁽⁵⁾)	289,84	604,39 (⁽⁵⁾)
1006 30 67	453,29 (⁽⁵⁾)	289,84	604,39 (⁽⁵⁾)
1006 30 92	—	249,63	523,96 (⁽⁵⁾)
1006 30 94	453,29 (⁽⁵⁾)	289,84	604,39 (⁽⁵⁾)
1006 30 96	453,29 (⁽⁵⁾)	289,84	604,39 (⁽⁵⁾)
1006 30 98	453,29 (⁽⁵⁾)	289,84	604,39 (⁽⁵⁾)
1006 40 00	—	70,32	146,65

(⁽¹⁾) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(⁽³⁾) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁽⁴⁾) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(⁽⁵⁾) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 1762/91**of 21 June 1991****fixing the premiums to be added to the import levies on rice and broken rice**

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 1418/76
of 21 June 1976 on the common organization of the
market in rice⁽¹⁾, as last amended by Regulation (EEC)
No 1806/89⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice
and broken rice were fixed by Commission Regulation
(EEC) No 3847/90⁽³⁾, as last amended by Regulation
(EEC) No 1649/91⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed in
advance in respect of rice and broken rice originating in
third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 19.

⁽⁴⁾ OJ No L 151, 15. 6. 1991, p. 7.

ANNEX

to the Commission Regulation of 21 June 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 6	1st period 7	2nd period 8	3rd period 9
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 1763/91

of 21 June 1991

on the supply of various lots of butteroil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 861 tonnes of butteroil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid, for supply to the recipients listed in the Annex I in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in this tender is deemed unwritten.

Article 2

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, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operations Nos** ⁽¹⁾: 335 — 339/91
2. **Programme** : 1991
3. **Recipient** : World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome (telex : 626675 I WFP)
4. **Representative of the recipient** : see OJ No C 103, 16. 4. 1987
5. **Place or country of destination** : see Annex II
6. **Product to be mobilized** : butteroil
7. **Characteristics and quality of the goods** : ⁽²⁾ :
see OJ No C 114, 29. 4. 1991, p. 6 (E.1)
— Operation No 339/91 : ⁽³⁾
— Operation No 336/91 : ⁽⁴⁾
8. **Total quantity** : 861 tonnes
9. **Number of lots** : one
10. **Packaging and marking** : 5 kg ; operations Nos 335/91, 336/91, 338/91 in containers
and OJ No C 114, 29. 4. 1991, pp. 7 and 8 (E.2 and E.3)
Markings in English (in letters at least 2,5 cm high)
Supplementary markings on the packaging : see Annex II
Action No 335/91 : + a red dot at least 30 cm in diameter
11. **Method of mobilization** : Community market
12. **Stage of supply** : free at port of shipment
13. **Port of shipment** : Hamburg (Action No 339/91)
14. **Port of landing specified by the recipient** : —
15. **Port of landing** : —
16. **Address of the warehouse and, if appropriate, port of landing** : —
17. **Period for making the goods available at the port of shipment** : 10 — 20. 8. 1991.
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁵⁾ : 12 noon on 8. 7. 1991
21. **A. In the case of a second invitation to tender** :
(a) deadline for the submission of tenders : 12 noon on 22. 7. 1991
(b) period for making the goods available at the port of shipment : 20 — 31. 8. 1991
(c) deadline for the supply : —
B. In the case of a third invitation to tender :
(a) deadline for the submission of tenders : 12 noon on 5. 8. 1991
(b) period for making the goods available at the port of shipment : 5 — 15. 9. 1991
(c) deadline for the supply : —
22. **Amount of the tendering security** : ECU 20 per tonne
23. **Amount of the delivery security** : 10 % of the tender in ecus
24. **Address for submission of tenders** : Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/46, rue de la Loi, 200, B-1049 Bruxelles (telex : AGREC 22037 B or 25670 AGREC B)
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾ : refund applicable 17. 5. 1991, fixed by Commission Regulation (EEC) No 1291/91 (OJ No L 122, 17 May 1991, p. 15)

Notes:

- (1) The operation number is to be quoted in all correspondence.
- (2) Analysis and quality certificate listing technical specifications of the product and issued by official entity in country of origin.
- (3) The successful tenderer shall deliver to the recipient a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- health certificate,
- certificate of origin.

- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - by porter at the office referred to in point 24 of this Annex, or
 - by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 2.5 of this Annex.
- (6) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate in English stating that the butteroil does not contain any pork fat (lard).

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begünstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	861	35	WFP	Tanzania	Action No 335/91 / Tanzania 0224702 / Action of the World Food Programme / Dar-es-Salaam
		500	WFP	Pakistan	Action No 336/91 / Pakistan 0223703 / Action of the World Food Programme / Karachi
		15	WFP	Bhutan	Action No 337/91 / Bhutan 0339400 / Action of the World Food Programme / Calcutta, in transit to Phuntsholing, Bhutan
		111	WFP	Nepal	Action No 338/91 / Nepal 0371800 / Action of the World Food Programme / Calcutta, in transit to Kathmandu, Nepal
		200	WFP	Bolivia	Action No 339/91 / Bolivia 0257801 / Action of the World Food Programme / Arica, in transit to La Paz, Elalto, Bolivia

COMMISSION REGULATION (EEC) No 1764/91

of 21 June 1991

on the supply of various lots of skimmed-milk powder as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽¹⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain beneficiary organizations 8 584 tonnes of skimmed-milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽³⁾, as amended by Regulation (EEC) No 790/91 ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid, for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in Annex I. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

Lots A, B, C, D, E, F and G

1. **Operation No** ⁽¹⁾: 341 — 369/91
2. **Programme**: 1991
3. **Recipient**: World Food Programme, via Cristoforo Colombo 426, I-00145 Rome; telex: 626675 I WFP
4. **Representative of the recipient**: See OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: See Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
skimmed-milk powder: operation Nos 345/91, 346/91, 365/91, 369/91
7. **Characteristics and quality of the goods** ⁽²⁾:
Operation No 341/91 to 345/91: ⁽⁶⁾
Operation No 346/91: ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾
Operation No 347/91: ⁽⁷⁾
See OJ No C 114, 29. 4. 1991, p. 3, (under B.1) p. 1, (under A.1)
8. **Total quantity**: 6 734 tonnes (2 220 tonnes skimmed milk powder, 4 514 tonnes: vitaminized skimmed-milk powder)
9. **Number of lots**: seven (A: 323 tonnes; B: 1 089 tonnes; C: 1 540 tonnes; D: 700 tonnes; E: 1 180 tonnes; F: 1 096 tonnes; G: 806 tonnes)
10. **Packaging and marking**: 25 kg
Operation Nos 352/91, 353/91, 365/91 ⁽¹¹⁾
Operation No 369/91: in containers and OJ No C 114, 29. 4. 1991, p. 4 (under B.2 and B.3) p. 1 (under A. 2 and A. 3)
Markings in English, Portuguese (in letters at least 2,5 cm high)
Supplementary markings on packaging:
See Annex II
11. **Method of mobilization**: Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
The manufacture of the skimmed-milk powder must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: Operation Nos 341/91 — 345/91: Hamburg
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 10. — 20. 8. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁴⁾: 12 noon on 8. 7. 1991

21. A. In the case of a second invitation to tender :

- (a) deadline for the submission of tenders : 12 noon on 22. 7. 1991
- (b) period for making the goods available at the port of shipment : 20. — 31. 8. 1991
- (c) deadline for the supply : —

21. B. In the case of a third invitation to tender :

- (a) deadline for the submission of tenders : 12 noon on 5. 8. 1991
- (b) period for making the goods available at the port of shipment : 5. 9. — 15. 9. 1991
- (c) deadline for the supply : —

22. Amount of the tendering security : ECU 20 per tonne

23. Amount of the delivery security : 10 % of the amount of the tender in ecus

24. Address for submission of tenders : Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles ; telex 22037 AGREC B or 25670 AGREC B

25. Refund payable on request by the successful tenderer (°) : refund applicable on 17. 5. 1991, fixed by Commission Regulation (EEC) No 1291/91 (OJ No L 122, 17. 5. 1991, p. 15)

LOT H

1. **Operation No** ⁽¹⁾: 76/91
2. **Programme**: 1991
3. **Recipient**: UNHCR (Mr Gaude), Case Postal 2500, CH-1211
Genève, 2 Dépôt; tel.: 22/739 84 80, telex: 412404 CH HCR
4. **Representative of the recipient** ⁽²⁾:
The Representative UNHCR Branch Office in Zimbabwe, PO Box 4565 bis, Blvd Mohamed V, 41
Deary Ave, Belgravia, Harare, Zimbabwe; tel. (263-4) 79 32 74 / 79 32 75; telex 26073 UNHCR ZW
5. **Place or country of destination**: Zimbabwe
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽¹⁰⁾:
see OJ No C 114, 29. 4. 1991, p. 3 (under B.1)
8. **Total quantity**: 370 tonnes
9. **Number of lots**: 1
10. **Packaging and marking**: 25 kg ⁽¹¹⁾
OJ No C 114, 29. 4. 1991, p. 4 (under B.2 and B.3)
Markings in English (in letters at least 2,5 cm high)
Supplementary markings on the packaging:
'UNHCR PROGRAMME / FOR REFUGEES / HARARE / DATE OF EXPIRY'
11. **Method of mobilization**: the Community market
The skimmed-milk powder must be manufactured and the vitamins incorporated after the award of the tender
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: UNHCR depots, Harare
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10. — 20. 8. 1991
18. **Deadline for the supply**: 30. 9. 1991
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁴⁾: 12 noon on 8. 7. 1991
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 22. 7. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20. — 31. 8. 1991
 - (c) deadline for the supply: 15. 10. 1991**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 5. 8. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5. — 15. 9. 1991
 - (c) deadline for the supply: 30. 10. 1991
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾: refund applicable on 17. 5. 1991, fixed by Commission Regulation (EEC) No 1291/91 (OJ No L 122, 17. 5. 1991, p. 15)

LOTS I, K and L

1. **Operation Nos** (1): 1368/90, 1369/90 and 1370/90
2. **Programme**: 1990
3. **Recipient**: Peru
4. **Representative of the recipient** (2):
Oficina Nacional de Apoyo Alimentario (ONAA), Natalio Sánchez 220, Piso 14, Jesús María, Lima (Peru); (tel. 24 24 64)
5. **Place or country of destination**: Peru
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3):
See OJ No C 114, 29. 4. 1991, p. 3 (under B.1)
8. **Total quantity**: 1 300 tonnes
9. **Number of lots**: three (I: 450 tonnes; K: 450 tonnes; L: 400 tonnes)
10. **Packaging and marking**: 25 kg in containers of 20 feet
OJ No C 114, 29. 4. 1991, p. 4 (under B.2 and B.3)
Markings in Spanish (in letters at least 2,5 cm high)
Supplementary markings on the packaging:
'AL PERÚ / DISTRIBUCIÓN GRATUITA'
11. **Method of mobilization of product**: Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: ONAA Depot, Avenida Argentina No 3017, Callao
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10 — 20. 8. 1991
18. **Deadline for the supply**: 25. 9. 1991
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 12 noon 8. 7. 1991
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 22. 7. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20 — 31. 8. 1991
 - (c) deadline for the supply: 10. 10. 1991**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 5. 8. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5. — 15. 9. 1991
 - (c) deadline for the supply: 25. 10. 1991
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 17. 5. 1991, fixed by Commission Regulation (EEC) No 1291/91 (OJ No L 122, 17. 5. 1991, p. 15)

LOT M

1. **Operation No⁽¹⁾**: 1374/90
2. **Programme**: 1990
3. **Recipient**: Ecuador
4. **Representative of the recipient⁽²⁾**:
Ambassade de l'Equateur, Chaussée de Charleroi 70, B-1060 Bruxelles; tél. 32 2 537 91 30, telex: 63292 B
5. **Place or country of destination**: Ecuador
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods⁽³⁾⁽⁴⁾**:
See OJ No C 114, 29. 4. 1991, p. 3 (under B.1)
8. **Total quantity**: 180 tonnes
9. **Number of lots**: One
10. **Packaging and marking**: 25 kg
OJ No C 114, 29. 4. 1991, p. 4 (under B.2 and B.3)
Markings in Spanish (in letters at least 2,5 cm high)
Supplementary markings on the packaging:
'AL ECUADOR / DISTRIBUCIÓN GRATUITA'
11. **Method of mobilization of product**: Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Guayaquil
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10 — 20. 8. 1991
18. **Deadline for the supply**: 25. 9. 1991
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders⁽⁵⁾**: 12 noon 8. 7. 1991
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 22. 7. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20 — 31. 8. 1991
 - (c) deadline for the supply: 10. 10. 1991**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 5. 8. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5 — 15. 9. 1991
 - (c) deadline for the supply: 25. 10. 1991
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer⁽⁶⁾**: refund applicable on 17. 5. 1991, fixed by Commission Regulation (EEC) No 1291/91 (OJ No L 122, 17. 5. 1991, p. 15)

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer: see list published in OJ No C 114, 29. 4. 1991, p. 33.
- (³) The successful tenderer shall deliver to the recipient a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- health certificate,
- certificate of origin.

- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:

- by porter at the office referred to in point 24 of this Annex, or
- by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.

- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 2.5 of this Annex.

- (⁶) Analysis and quality certificate listing technical specifications of the product and issued by official entity in country of origin.

- (⁷) Analysis certificate must be issued by the authorities of the country of origin and must state that the product is suitable for human consumption.

- (⁸) Veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease design, nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.

- (⁹) Packaging certificate giving net weight per package and total weight of packaging.

- (¹⁰) The expiry date appearing on the packages must be 24 months after the date of manufacture.

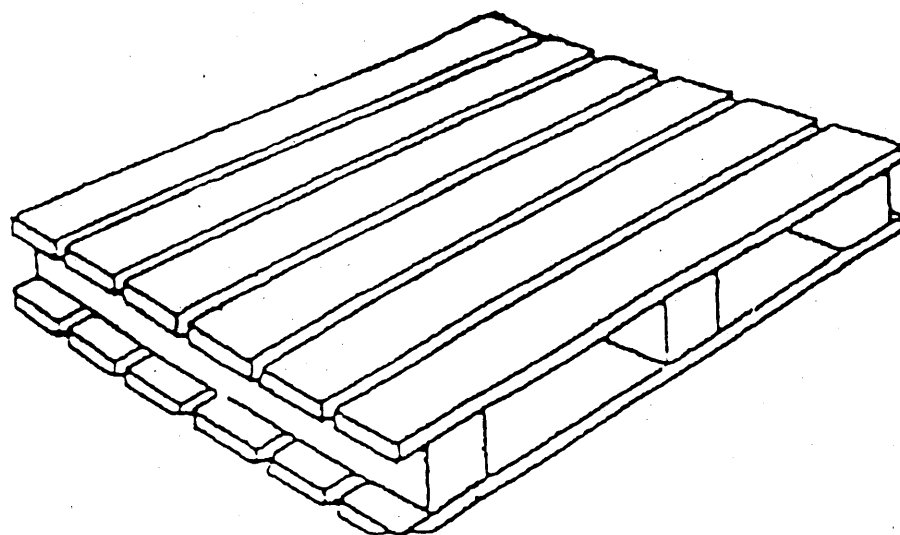
- (¹¹) Palletization of skimmed-milk powder:

25 kilogram bags to be supplied on a two-way double deck reversible pallet with protruding slats, as per design, of the following dimensions:

1,10 m × 1,40 m

- upper board 22 mm thick
- bottom board 22 mm thick
- blocks 95 × 95 mm

40 bags to be placed onto the pallets, interlocked and shrink-wrapped with a plastic sheet of 150 micron thickness, with three external nylon straps in each direction to secure the unit-load.



ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II —
BIJLAGE II — ANEXO II

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	323	31	WFP	Bolivia	Action No 341/91 / Bolivia 0279501 / Action of the World Food Programme / Arica, in transit to Cochabamba, Bolivia
		32	WFP	Bolivia	Action No 342/91 / Bolivia 0273501 / Action of the World Food Programme / Arica, in transit to La Paz, Elalto, Bolivia
		30	WFP	Bolivia	Action No 343/91 / Bolivia 0273501 / Action of the World Food Programme / Arica, in transit to Sucre, Bolivia
		30	WFP	Bolivia	Action No 344/91 / Bolivia 0273501 / Action of the World Food Programme / Arica, in transit to Oruro, Bolivia
		200	WFP	Bolivia	Action No 345/91 / Bolivia 0257801 / Spray skimmed-milk powder / Action of the World Food Programme / Arica, in transit to La Paz, Elalto, Bolivia
B	1 089	1 089	WFP	Cuba	Action No 346/91 / Cuba 0270201 / Spray skimmed-milk powder / Action of the World Food Programme / Havana
C	1 540	1 000	WFP	Paraguay	Action No 347/91 / Paraguay 0237602 / Action of the World Food Programme / Asunción
		40	WFP	Peru	Action No 348/91 / Peru 0234102 / Action of the World Food Programme / Salaverry
		80	WFP	Peru	Action No 349/91 / Peru 0234102 / Action of the World Food Programme / Callao
		80	WFP	Peru	Action No 350/91 / Peru 0234102 / Action of the World Food Programme / Matarani
		340	WFP	Guyana	Action No 351/91 / Guyana 0261400 / Action of the World Food Programme / Georgetown

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begünstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
D	700	300	WFP	Yemen	Action No 352/91 / Yemen 0269401 / Action of the World Food Programme / Hodeidah
		400	WFP	Yemen	Action No 353/91 / Yemen 0261301 / Action of the World Food Programme / Hodeidah
E	1 180	280	WFP	Niger	Action No 354/91 / Niger 0273401 / Action of the World Food Programme / Cotonou, in transit to Niamey, Niger
		83	WFP	Cameroon	Action No 355/91 / Cameroon 0077302 / Action of the World Food Programme / Douala
		200	WFP	Equatorial Guinea	Action No 356/91 / Eq. Guinea 0260202 / Action of the World Food Programme / Bata
		131	WFP	Equatorial Guinea	Action No 357/91 / Eq. Guinea 0260202 / Action of the World Food Programme / Malabo
		104	WFP	Guinea Bissau	Action No 358/91 / Guinea Bissau 0244203 / Action of the World Food Programme / Bissau
		332	WFP	Ivory Coast	Action No 359/91 / Ivory Coast 0335800 / Action of the World Food Programme / Abidjan
		50	WFP	São Tomé e Príncipe	Ação nº 360/91 / São Tomé 0225004 / Fornecido pelo Programa Alimentar Mundial / São Tomé
F	1 096	245	WFP	Mauritius	Action No 361/91 / Mauritius 0051103 / Action of the World Food Programme / Port Louis
		100	WFP	Zambia	Action No 362/91 / Zambia 0271000 / Action of the World Food Programme / Durban, in transit to Lusaka, Zambia
		200	WFP	Botswana	Action No 363/91 / Botswana 0032404 / Action of the World Food Programme / Durban, in transit to Lobatsi, Botswana
		16	WFP	Seychelles	Action No 364/91 / Seychelles 0254601 / Action of the World Food Programme / Victoria

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
		125	WFP	Ethiopia	Action No 365/91 / Ethiopia 0250000 / Action of the World Food Programme / Assab
		165	WFP	Mozambique	Action No 366/91 / Mozambique 0238203 / Action of the World Food Programme / Maputo
		151	WFP	Mozambique	Action No 367/91 / Mozambique 0238203 / Action of the World Food Programme / Nacala
		94	WFP	Mozambique	Action No 368/91 / Mozambique 0238203 / Action of the World Food Programme / Beira
G	806	806	WFP	Tanzania	Action No 369/91 / Tanzania 0224702 / Spray skimmed-milk powder / Action of the World Food Programme / Dar-es-Salaam

COMMISSION REGULATION (EEC) No 1765/91

of 14 June 1991

laying down the level of the accession compensatory amounts for milk and milk products applicable in trade between the Community of Ten and Spain and between Spain and third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 466/86 of 25 February 1986 determining the general rules for the system of accession compensatory amounts for milk and milk products on account of the accession of Spain⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1378/86⁽²⁾ fixes the level of the accession compensatory amounts for milk and milk products applicable as from 7 May 1986 in trade with Spain;

Whereas, pursuant to Article 98 (1) of the Act of Accession of Spain and Portugal, the difference between the prices applicable in Spain on 1 March 1986 and the corresponding prices calculated according to the rules laid down in the common organization of the market on the basis of the guaranteed price for milk applicable in Spain throughout the representative period is to be progressively reduced so that it is equal to half the initial difference on the fourth move towards alignment and totally eliminated on the seventh such move; whereas, for the sixth move towards alignment, the accession compensatory amounts applicable from the start of the 1991/92 milk year should be determined;

Whereas, for reasons of clarity, the nomenclature of accession compensatory amounts should be aligned with the tariff and statistical nomenclature, as defined in Annex I

to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 1056/91⁽⁴⁾;

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

The accession compensatory amounts applicable during the 1991/92 milk year in trade between the Community as constituted at 31 December 1985 and Spain and in trade between Spain and third countries for the milk and milk products listed in the Annex hereto shall be as shown in the Annex.

However, no accession compensatory amount shall be granted on the dispatch or export from Spain of milk products falling within CN codes 0401, 0402, 0403 and 0404 containing goat's or sheep's milk or cream.

Article 2

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

It shall apply from 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 23.
⁽²⁾ OJ No L 120, 8. 5. 1986, p. 37.

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.
⁽⁴⁾ OJ No L 107, 27. 4. 1991, p. 10.

ANNEX

**Accession compensatory amounts applicable in trade between the Community of Ten and Spain
and between Spain and third countries**

(Amounts to be charged on imports and granted on exports by Spain unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, not concentrated not containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream :	
0401 10	— with a fat content by weight, not exceeding 1 % :	
	— — with a fat content, by weight, not exceeding 0,6 %	1,51
	— — other	(¹)
0401 20	— with a fat content, by weight, exceeding 1 % but not exceeding 6 %	(¹)
0401 30	— with a fat content, by weight, exceeding 6 %	(¹) (¹⁰)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream :	
0402 10	— in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % :	
	— — not containing added sugar or other sweetening matter,	—
0402 10 11	— — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — for human consumption (²)	30,24
	— — — — other	—
0402 10 19	— — — other :	
	— — — — for human consumption (²)	30,24
	— — — — other	—
	— — other (containing sugar or other sweetening matter)	0,3024 per kg (⁴)
	— in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % :	
0402 21	— — not containing added sugar or other sweetening matter :	
	— — — with a fat content, by weight, not exceeding 27 %	22,35
	— — — with a fat content, by weight, exceeding 27 % :	
0402 21 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	19,86
	— — — — — with a fat content, by weight, exceeding 45 %	13,83
0402 21 99	— — — — other :	
	— — — — — with a fat content, by weight, not exceeding 45 %	19,86
	— — — — — with a fat content, by weight, exceeding 45 %	13,83

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0402 29	— — other :	
	— — — with a fat content, by weight, not exceeding 27 %	0,2235 per kg (*)
	— — — with a fat content, by weight, exceeding 27 %	
0402 29 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight not exceeding 45 %	0,1986 per kg (*)
	— — — — — with a fat content, by weight, exceeding 45 %	0,1383 per kg (*)
0402 29 99	— — — — other :	
	— — — — — with a fat content, by weight, not exceeding 45 %	0,1986 per kg (*)
	— — — — — with a fat content, by weight, exceeding 45 %	0,1383 per kg (*)
	— other (than in powder, granules or other solid forms) :	
0402 91	— — not containing added sugar or other sweetening matter :	
	— — — with a fat content, by weight, not exceeding 8 %	7,24
	— — — with a fat content, by weight, exceeding 8 % but not exceeding 10 %	7,24
	— — — with a fat content, by weight, exceeding 10 % but not exceeding 45 %	(³)
	— — — with a fat content, by weight, exceeding 45 %	(³)
0402 99	— — other :	
	— — — with a fat content, by weight, not exceeding 9,5 %	6,31 (³)
	— — — with a fat content, by weight, exceeding 9,5 % but not exceeding 45 %	(⁶)
	— — — with a fat content, by weight, exceeding 45 %	(⁶)
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, exclu- ding products manufactured exclusively from goat's and sheep's milk and cream :	
0403 10	— Yoghurt :	
	— — not flavoured nor containing added fruit or cocoa :	
	— — — in powder, granules or other solid forms :	
	— — — — not containing added sugar or other sweetening matter	(³)
	— — — — other	(⁶)
	— — — other :	
	— — — — not containing added sugar or other sweetening matter, of a fat content, by weight :	
	— — — — — not exceeding 3 % :	
	— — — — — not exceeding 0,6 %	1,51
	— — — — — other	(¹)
	— — — — — exceeding 3 % but not exceeding 6 %	(¹)
	— — — — — exceeding 6 %	(¹)
	— — — — other	(⁶)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0403 90	— other : — — not flavoured nor containing added fruit and cocoa : — — — in powder, granules or other solid forms : — — — — not containing added sugar or other sweetening matter — — — — other — — — other : — — — — not containing added sugar or other sweetening matter, with a fat content, by weight : — — — — — not exceeding 3 % : — — — — — not exceeding 0,6 % — — — — — other — — — — — exceeding 3 % but not exceeding 6 % — — — — — exceeding 6 % — — — — other	(3) (6) 1,51 (1) (1) (1) (6)
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream :	
0404 10	— whey, whether or not concentrated or containing added sugar or other sweetening matter	—
0404 90	— other ⁽¹⁾ :	
	— — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times$ 6,38), by weight :	
	— — — not exceeding 42 % and of a fat content, by weight :	
0404 90 11	— — — — not exceeding 1,5 %	30,24
0404 90 13	— — — — exceeding 1,5 % but not exceeding 27 %	22,35
0404 90 19	— — — — exceeding 27 %	19,86
	— — — exceeding 42 % and of a fat content, by weight :	
0404 90 31	— — — — not exceeding 1,5 %	30,24
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	22,35
0404 90 39	— — — — exceeding 27 %	19,86
	— — other, of a protein content (nitrogen content $\times$ 6,38), by weight :	
	— — — not exceeding 42 %, and of a fat content, by weight :	
0404 90 51	— — — — not exceeding 1,5 %	0,3024 per kg ⁽⁴⁾
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,2235 per kg ⁽⁴⁾
0404 90 59	— — — — exceeding 27 %	0,1986 per kg ⁽⁴⁾
	— — — exceeding 42 % and of a fat content by weight :	
0404 90 91	— — — — not exceeding 1,5 %	0,3024 per kg ⁽⁴⁾
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,2235 per kg ⁽⁴⁾
0404 90 99	— — — — exceeding 27 %	0,1986 per kg ⁽⁴⁾

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0405	Butter and other fats and oils derived from milk :	
0405 00 10	— of a fat content, by weight, not exceeding 85 % :	
	— — of a fat content, by weight, of less than 80 %.	0,1184 (7) ⁽¹⁰⁾
	— — of a fat content, by weight :	
	— — — of at least 80 %, but less than 82 %	9,30 ⁽¹⁰⁾
	— — — of at least 82 %, but less than 84 %	9,71 ⁽¹⁰⁾
	— — — of at least 84 %	0,1184 (7) ⁽¹⁰⁾
0405 00 90	— other	0,1184 (7) ⁽¹⁰⁾
0406	Cheese and curd :	
ex 0406 10	— fresh cheese (including whey cheese), not fermented, and curd (excluding cheese manufactured exclusively from sheep's or goat's milk) :	15,97
0406 20	— grated or powdered cheese, of all kinds :	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	7,32
0406 20 90	— — other	19,96
0406 30	— processed cheese, not grated or powdered :	
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schab- ziger) ; put up for retail sale, of a fat content by weight in the dry matter not exceeding 56 %	21,18
0406 30 31	— — other	26,37
0406 30 39		
0406 30 90		
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclu- sively from sheep's or goat's milk)	12,86
ex 0406 90	— other cheese excluding cheese manufactured exclusively from sheep's or goat's milk :	
ex 0406 90 11	— — for processing	26,37
	— — other :	
ex 0406 90 13	— — — Emmentaler	21,18
ex 0406 90 15	— — — Gruyère, Sbrinz	21,18
ex 0406 90 17	— — — Bergkäse, Appenzell, Fromage fribourgeois, Vacherin Mont d'Or and Tête de Moine	21,18
ex 0406 90 19	— — — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	7,32
ex 0406 90 21	— — — Cheddar	26,37
ex 0406 90 23	— — — Edam	20,82
ex 0406 90 25	— — — Tilsit	20,82
ex 0406 90 27	— — — Butterkäse	20,82
ex 0406 90 29	— — — Kashkaval	20,82
	— — — Feta :	
ex 0406 90 31	— — — — of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	— — — — other	20,82

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0406 90 35	— — — Kefalotyri	20,82
ex 0406 90 37	— — — Finlandia	20,82
ex 0406 90 39	— — — Jarlsberg	20,82
	— — — other :	
0406 90 50	— — — — cheese of sheep's milk or buffalo milk in containers, containing brine, or in sheep or goatskin bottles	—
	— — — — other :	
	— — — — — of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter :	
	— — — — — not exceeding 47 % :	
0406 90 61	— — — — — — Grana Padano, Parmigiano-Reggiano	—
0406 90 63	— — — — — — Fiore Sardo, Pecorino	—
ex 0406 90 69	— — — — — — other	19,96
	— — — — — — exceeding 47 % but not exceeding 72 %	20,82
	— — — — — — exceeding 72 % :	
ex 0406 90 91	— — — — — — fresh cheese, fermented	14,97
ex 0406 90 93	— — — — — — other	14,97
	— — — — — other :	
ex 0406 90 97	— — — — — — fresh cheese, fermented	15,30
ex 0406 90 99	— — — — — — other	15,30
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :	
1702 10	— lactose and lactose syrup (%) :	
1702 10 90	— — other	5,36
2106	Food preparations not elsewhere specified or included :	
2106 90	— other :	
	— — flavoured or coloured sugar syrups :	
	— — — other :	
2106 90 51	— — — — lactose syrup	5,36
2309	Preparations of a kind used in animal feeding :	
2309 10	— dog or cat food, put up for retail sale :	
	— — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within codes 1720 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :	
	— — — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup :	
	— — — — containing no starch or containing 10 % or less by weight of starch :	

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
2309 10 15	— — — — containing not less than 50 % but less than 75 % by weight of milk products	—
2309 10 19	— — — — containing not less than 75 % by weight of milk products	—
	— — — — containing more than 10 % but not more than 30 % by weight of starch :	
2309 10 39	— — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
	— — — — containing more than 30 % by weight of starch :	
2309 10 59	— — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
2309 10 70	— — — containing no starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup but containing milk products	—
2309 90	— other :	
	— — other :	
	— — — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within codes 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :	
	— — — — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup :	
	— — — — containing no starch or containing 10 % or less by weight of starch :	
2309 90 35	— — — — containing not less than 50 % but less than 75 % by weight of milk products	—
2309 90 39	— — — — containing not less than 75 % by weight of milk products	—
	— — — — containing more than 10 % but not more than 30 % by weight of starch :	
2309 90 49	— — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
	— — — — containing more than 30 % by weight of starch :	
2309 90 59	— — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
2309 90 70	— — — — containing no starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup but containing milk products	—

(¹) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :

- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms net of the product multiplied by ECU 0,0428,
- an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kilograms net of the product multiplied by ECU 0,015082.

(²) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those imported into Spain under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 186, 6. 7. 1976, p. 9).

- (³) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components:
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms of the product multiplied by ECU 0,0428,
 - an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kilograms net of the product multiplied by ECU 0,165903.
- (⁴) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of:
- the amount per kilograms indicated multiplied by the weight of milk and cream contained in 100 kilograms of finished product,
 - an additional amount for each percentage point of sucrose or other sweetening matter content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁵) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of:
- the amount indicated,
 - an additional amount for each percentage point of sucrose or other sweetening matter content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁶) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components:
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms net of the product, multiplied by ECU 0,0428, and
 - an amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kilograms net of the product multiplied by ECU 0,165903,
 - an additional amount for each percentage point of sucrose or other sweetening matter content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁷) The compensatory amount for 100 kilograms net of these products shall be equal to the amount indicated multiplied by the weight of the fat contained in 100 kilograms of finished product.
- (⁸) The compensatory amount for 100 kilograms net of these products shall be equal:
- in the case of products falling within CN codes 2309 10 39 and 2309 90 49, to the accession compensatory amount for 100 kilograms of maize multiplied by the coefficient 0,16,
 - in the case of products falling within CN codes 2309 10 59 and 2309 90 59, to the accession compensatory amount for 100 kilograms of maize multiplied by the coefficient 0,50.
- These amounts are to be granted on exports to Spain by the exporting Member State or charged on imports from Spain by the importing Member State.
- (⁹) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.
- (¹⁰) Where the products falling within this code are subject to the measures laid down in Commission Regulations (EEC) No 3143/85 (OJ No L 298, 12. 11. 1985, p. 9), (EEC) No 570/88 (OJ No L 55, 1. 3. 1988, p. 31) or (EEC) No 429/90 (OJ No L 45, 21. 2. 1990, p. 8), no accession compensatory amount is to apply.
- (¹¹) The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amounts applicable to each of the constituents taking account of the quantities incorporated.

NB: In the case of goat's and sheep's milk and cream and the cheeses manufactured exclusively from these products:

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
- the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the cheese in question was manufactured exclusively from sheep's or goat's milk.

COMMISSION REGULATION (EEC) No 1766/91

of 14 June 1991

amending Commission Regulation (EEC) No 3813/90 laying down the level of the accession compensatory amounts for milk and milk products applicable in trade between the Community of Ten and Portugal and between Portugal and third countries

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

Having regard to Council Regulation (EEC) No 3640/90 of 11 December 1990 laying down general rules for the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3813/90⁽²⁾, as amended by Regulation (EEC) No 662/91⁽³⁾, lays down the level of the accession compensatory amounts for milk and milk products applicable in trade between the Community of Ten and Portugal and between Portugal and third countries from 1 January 1991; whereas, for reasons of clarity, the nomenclature of accession compensatory amounts should be aligned with the tariff and statistical nomenclature, as defined in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common

Customs Tariff⁽⁴⁾, as last amended by Commission Regulation (EEC) No 1056/91⁽⁵⁾;

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

The Annex to Regulation (EEC) No 3813/90 is hereby replaced by the Annex to this Regulation.

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, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 3.

⁽²⁾ OJ No L 366, 29. 12. 1990, p. 24.

⁽³⁾ OJ No L 73, 20. 3. 1991, p. 25.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 107, 27. 4. 1991, p. 10.

ANNEX

Accession compensatory amounts applicable in trade between the Community of Ten and Portugal and between Portugal and third countries

(Amounts to be charged on imports and granted on exports by Portugal unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream	(¹)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream :	
0402 10	— in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % :	
	— — not containing added sugar or other sweetening matter :	
0402 10 11	— — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — for human consumption (²)	37,57
	— — — — other	—
0402 10 19	— — — other :	
	— — — — for human consumption (²)	37,57
	— — — — other	—
	— — other (containing sugar or other sweetening matter)	0,3757 per kg (³)
	— in powder, granules or other solid forms, with a fat content, by weight, exceeding 1,5 % :	
0402 21	— — not containing added sugar or other sweetening matter :	
	— — — with a fat content, by weight, not exceeding 27 %	27,46
	— — — with a fat content, by weight, exceeding 27 % :	
0402 21 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	21,24
	— — — — — with a fat content, by weight, exceeding 45 %	14,14
0402 21 99	— — — — other :	
	— — — — — with a fat content, by weight, not exceeding 45 %	21,24
	— — — — — with a fat content, by weight, exceeding 45 %	14,14
0402 29	— — other :	
	— — — with a fat content, by weight, not exceeding 27 % :	0,2746 per kg (⁴)
	— — — with a fat content, by weight, exceeding 27 % :	
0402 29 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	0,2124 per kg (⁴)
	— — — — — with a fat content, by weight, exceeding 45 %	0,1414 per kg (⁴)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0402 29 99	— — — — other	
	— — — — — with a fat content, by weight, not exceeding 45 %	0,2124 per kg (*)
	— — — — — with a fat content, by weight, exceeding 45 %	0,1414 per kg (*)
	— other (than in powder, granules or other solid forms):	
0402 91	— — not containing added sugar or other sweetening matter:	
	— — — with a fat content, by weight, not exceeding 8 %	6,83
	— — — with a fat content, by weight, exceeding 8 % but not exceeding 10 %	6,83
	— — — with a fat content, by weight, exceeding 10 % but not exceeding 45 %	(¹)
	— — — with a fat content, by weight, exceeding 45 %	(¹)
0402 99	— — other:	
	— — — with a fat content, by weight, not exceeding 9,5 %	8,57 (¹)
	— — — with a fat content, by weight, exceeding 9,5 % but not exceeding 45 %	(⁶)
	— — — with a fat content, by weight, exceeding 45 %	(⁶)
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0403 10	— Yoghurt:	
	— — not flavoured nor containing added fruit or cocoa:	
	— — — in powder, granules or other solid forms	
	— — — not containing added sugar or other sweetening matter,	(¹)
	— — — other	(⁶)
	— — — other:	
	— — — — not containing added sugar or other sweetening matter (¹)	(¹)
	— — — — other	(⁶)
0403 90	— other	
	— — not flavoured nor containing added fruit or cocoa:	
	— — — in powder, granules or other solid forms:	
	— — — — not containing added sugar or other sweetening matter	(¹)
	— — — — other	(⁶)
	— — other:	
	— — — — not containing added sugar or other sweetening matter	(¹)
	— — — — other	(⁶)
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream:	

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0404 10	— whey, whether or not concentrated or containing added sugar or other sweetening matter	—
0404 90	— other ⁽¹⁾ : — — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times 6,38$), by weight: — — — not exceeding 42 % and of a fat content, by weight:	
0404 90 11	— — — — not exceeding 1,5 %	37,57
0404 90 13	— — — — exceeding 1,5 %, but not exceeding 27 %	27,46
0404 90 19	— — — — exceeding 27 % — — — exceeding 45 %, and of a fat content, by weight:	21,24
0404 90 31	— — — — not exceeding 1,5 %	37,57
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	27,46
0404 90 39	— — — — exceeding 27 % — — other, of a protein content (nitrogen content $\times 6,38$), by weight: — — — not exceeding 42 %, and of a fat content, by weight:	21,24
0404 90 51	— — — — not exceeding 1,5 %	0,3757 per kg ^(*)
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,2746 per kg ^(*)
0404 90 59	— — — — exceeding 27 % — — — exceeding 42 %, and of a fat content, by weight:	0,2124 per kg ^(*)
0404 90 91	— — — — not exceeding 1,5 %	0,3757 per kg ^(*)
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,2746 per kg ^(*)
0404 90 99	— — — — exceeding 27 %	0,2124 per kg ^(*)
0406	Cheese and curd:	
ex 0406 10	— fresh cheese (including whey cheese), not fermented, and curd (excluding cheese manufactured exclusively from sheep's or goat's milk):	4,30
0406 20	— grated or powdered cheese, of all kinds:	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	10,65
0406 20 90	— — other	12,83
0406 30	— processed cheese, not grated or powdered:	
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter not exceeding 56 %	14,08
0406 30 31		
0406 30 39	— — other	12,83
0406 30 90		

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclusively from sheep's or goat's milk)	9,44
ex 0406 90	— other cheese (excluding cheese manufactured exclusively from sheep's or goat's milk):	
ex 0406 90 11	— — for processing	12,83
	— — other:	
ex 0406 90 13	— — — Emmentaler	14,08
ex 0406 90 15	— — — Gruyère, Sbrinz	14,08
ex 0406 90 17	— — — Bergkäse, Appenzell, Fromage fribourgeois, Vacherin Mont d'Or and Tête de Moine	14,08
ex 0406 90 19	— — — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	10,65
ex 0406 90 21	— — — Cheddar	12,83
ex 0406 90 23	— — — Edam	12,46
ex 0406 90 25	— — — Tilsit	12,46
ex 0406 90 27	— — — Butterkäse	12,46
ex 0406 90 29	— — — Kashkaval	12,46
	— — — Feta:	
ex 0406 90 31	— — — — of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	— — — — other	12,46
ex 0406 90 35	— — — Kefalotyri	12,46
ex 0406 90 37	— — — Finlandia	12,46
ex 0406 90 39	— — — Jarlsberg	12,46
	— — — other:	
0406 90 50	— — — — cheese of sheep's milk or buffalo milk in containers, containing brine, or in sheep or goatskin bottles	—
	— — — — other:	
	— — — — — of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter:	
	— — — — — not exceeding 47 %:	
0406 90 61	— — — — — — Grana-Padano, Parmigiano-Reggiano	—
0406 90 63	— — — — — — Fiore Sardo, Pecorino	—
ex 0406 90 69	— — — — — — other	12,46
	— — — — — — exceeding 47 % but not exceeding 72 %	12,46
	— — — — — — exceeding 72 %:	
ex 0406 90 91	— — — — — — fresh cheese, fermented	4,30
ex 0406 90 93	— — — — — — other	4,30
	— — — — — — other:	
ex 0406 90 97	— — — — — — fresh cheese, fermented	4,30
ex 0406 90 99	— — — — — — other	4,30

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :	
1702 10	— lactose and lactose syrup (*) :	
1702 10 90	— — other	—
2106	Food preparations not elsewhere specified or included :	
2106 90	— other :	
	— — flavoured or coloured sugar syrups :	
	— — — other :	
2106 90 51	— — — — lactose syrup	—

- (1) The compensatory amount per 100 kg net of these products shall be equal to an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kg net of the product multiplied by ECU 0,0249.
- (2) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those imported into Portugal under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 186, 6. 7. 1976, p. 9).
- (3) The compensatory amount per 100 kg net of these products shall be equal to an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kg net of the product multiplied by ECU 0,2739.
- (4) The compensatory amount per 100 kg net of these products is equal to the amount per kilogram indicated multiplied by the weight of milk and cream contained in 100 kg of finished product less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.
Where the result of the subtraction is negative, the resulting amount is to be charged on imported or granted on exports by the Member State concerned other than Spain or Portugal.
- (5) The compensatory amount per 100 kg net of these products is equal to the amount indicated less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.
Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.
- (6) The compensatory amount per 100 kg net of these products is equal to the amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kg net of product multiplied by ECU 0,2739, less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.
Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.
- (7) The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amounts applicable to each of the constituents taking account of the quantities incorporated.
- (8) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.

NB : In the case of goat's and sheep's milk and cream and the cheeses manufactured exclusively from these products :

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
- the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the cheese in question was manufactured exclusively from sheep's or goat's milk.

COMMISSION REGULATION (EEC) No 1767/91

of 14 June 1991

amending Commission Regulation (EEC) No 3814/90 laying down the level of the accession compensatory amounts for milk and milk products in trade between Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applicable to trade in agricultural products between Spain and Portugal ⁽¹⁾, and in particular Article 13 thereof,

Having regard to Council Regulation (EEC) No 3640/90 of 11 December 1990 laying down general rules for the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal ⁽²⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3814/90 ⁽³⁾, as amended by Regulation (EEC) No 663/91 ⁽⁴⁾, lays down the level of the accession compensatory amounts for milk and milk products applicable in trade between Spain and Portugal from 1 January 1991;

Whereas, as a result of the fixing of the accession compensatory amounts in trade between the Community of Ten and Spain for the 1991/92 milk year by Commission Regulation (EEC) No 1765/91 ⁽⁵⁾, account should be taken of the new amounts to determine the accession compensatory amounts in trade between Spain and Portugal for the said milk year; whereas, for reasons of

clarity, the nomenclature of accession compensatory amounts should also be aligned with the tariff and statistical nomenclature, as defined in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁶⁾, as last amended by Commission Regulation (EEC) No 1056/91 ⁽⁷⁾;

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

The Annex to Regulation (EEC) No 3814/90 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 17 June 1991.

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

Done at Brussels, 14 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 3.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 18.

⁽⁴⁾ OJ No L 73, 20. 3. 1991, p. 26.

⁽⁵⁾ See page 28 of this Official Journal.

⁽⁶⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁷⁾ OJ No L 107, 27. 4. 1991, p. 10.

ANNEX

Accession compensatory amounts applicable in trade between Spain and Portugal

(Amounts to be charged on imports and granted on exports by Spain unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream	(¹) (⁸)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream :	
0402 10	— in powder, granules or other solid forms, of a fat content by weight, not exceeding 1,5 % :	
	— — not containing added sugar or other sweetening matter :	
0402 10 11	— — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — for human consumption (²)	7,33 (¹⁰)
	— — — — other	—
0402 10 19	— — — other :	
	— — — — for human consumption (²)	7,33 (¹⁰)
	— — — — other	—
	— — — other (containing sugar or other sweetening matter) :	0,0733 per kg (⁴) (¹⁰)
	— in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % :	
0402 21	— — not containing added sugar or other sweetening matter :	
	— — — with a fat content, by weight, not exceeding 27 %	5,11 (¹⁰)
	— — — with a fat content, by weight, exceeding 27 %	
0402 21 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	1,38 (¹⁰)
	— — — — — with a fat content, by weight, exceeding 45 %	0,31 (¹⁰)
0402 21 99	— — — — other :	
	— — — — — with a fat content, by weight, not exceeding 45 %	1,38 (¹⁰)
	— — — — — with a fat content, by weight, exceeding 45 %	0,31 (¹⁰)
0402 29	— — other :	
	— — — with a fat content, by weight, not exceeding 27 %	0,0511 per kg (⁴) (¹⁰)
	— — — with a fat content, by weight, exceeding 27 %	
0402 29 91	— — — — in immediate packings of a net content not exceeding 2,5 kg :	
	— — — — — with a fat content, by weight, not exceeding 45 %	0,0138 per kg (⁴) (¹⁰)
	— — — — — with a fat content, by weight, exceeding 45 %	0,0031 per kg (⁴) (¹⁰)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0402 29 99	— — — — other : — — — — — with a fat content, by weight, not exceeding 45 % — — — — — with a fat content, by weight, exceeding 45 % — other (than in powder, granules or other solid forms)	0,0138 per kg ⁽¹⁾ ⁽¹⁰⁾ 0,0031 per kg ⁽¹⁾ ⁽¹⁰⁾
0402 91	— — not containing sugar or other sweetening matter : — — — with a fat content, by weight, not exceeding 8 % — — — with a fat content, by weight, exceeding 8 % but not exceeding 10 % — — — with a fat content, by weight, exceeding 10 % but not exceeding 45 % — — — with a fat content, by weight, exceeding 45 %	0,41 0,41 ⁽¹⁾ ⁽¹⁾
0402 99	— — other : — — — with a fat content, by weight, not exceeding 9,5 % — — — with a fat content, by weight, exceeding 9,5 % but not exceeding 45 % — — — with a fat content, by weight, exceeding 45 %	2,26 ⁽¹⁾ ⁽¹⁰⁾ ⁽⁶⁾ — ⁽⁶⁾
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, excluding products manufactured exclusively from goat's and sheep's milk and cream :	
0403 10	— Yoghurt : — — not flavoured nor containing added fruit and cocoa : — — — in powder, granules or other solid forms : — — — not containing added sugar or other sweetening matter — — — — other — — — other : — — — — not containing added sugar or other sweetening matter — — — — other	⁽¹⁾ ⁽⁶⁾ ⁽¹⁾ ⁽⁶⁾
0403 90	— other : — — not flavoured nor containing added fruit and cocoa : — — — in powder, granules or other solid forms : — — — — not containing added sugar or other sweetening matter — — — — other — — — other : — — — — not containing added sugar or other sweetening matter — — — — other	⁽¹⁾ ⁽⁶⁾ ⁽¹⁾ ⁽⁶⁾
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter ; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream :	
0404 10	— whey, whether or not concentrated or containing added sugar or other sweetening matter	—

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0404 90	— other ⁽⁹⁾ :	
	— — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times$ 6,38), by weight :	
	— — — not exceeding 42 % and of a fat content, by weight :	
0404 90 11	— — — — not exceeding 1,5 %	7,33 ⁽¹⁰⁾
0404 90 13	— — — — exceeding 1,5 % but not exceeding 27 %	5,11 ⁽¹⁰⁾
0404 90 19	— — — — exceeding 27 %	1,38 ⁽¹⁰⁾
	— — — exceeding 42 %, and of a fat content, by weight :	
0404 90 31	— — — — not exceeding 1,5 %	7,33 ⁽¹⁰⁾
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	5,11 ⁽¹⁰⁾
0404 90 39	— — — — exceeding 27 %	1,38 ⁽¹⁰⁾
	— — other, of a protein content (nitrogen content $\times$ 6,38), by weight :	
	— — — not exceeding 42 %, and of a fat content, by weight :	
0404 90 51	— — — — not exceeding 1,5 %	0,0733 per kg ⁽⁴⁾ ⁽¹⁰⁾
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,0511 per kg ⁽⁴⁾ ⁽¹⁰⁾
0404 90 59	— — — — exceeding 27 %	0,0138 per kg ⁽⁴⁾ ⁽¹⁰⁾
	— — — exceeding 42 %, and of a fat content, by weight :	
0404 90 91	— — — — not exceeding 1,5 %	0,0733 per kg ⁽⁴⁾ ⁽¹⁰⁾
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,0511 per kg ⁽⁴⁾ ⁽¹⁰⁾
0404 90 99	— — — — exceeding 27 %	0,0138 per kg ⁽⁴⁾ ⁽¹⁰⁾
0405	Butter and other fats and oils derived from milk :	
0405 00 10	— of a fat content, by weight, not exceeding 85 % :	
	— — of a fat content, by weight, of less than 80 %	0,1184
	— — of a fat content, by weight :	
	— — — of at least 80 %, but less than 82 %	9,30
	— — — of at least 82 %, but less than 84 %	9,71
	— — — of at least 84 %	0,1184 ⁽⁷⁾
0405 00 90	— other	0,1184 ⁽⁷⁾ ⁽¹¹⁾
0406	Cheese and curd :	
ex 0406 10	— fresh cheese (including whey cheese), not fermented, and curd (excluding cheese manufactured exclusively from sheep's or goat's milk) :	11,67
0406 20	— grated or powdered cheese, of all kinds :	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	3,33 ⁽¹⁰⁾
0406 20 90	— — other	7,13
0406 30	— processed cheese, not grated or powdered :	
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger) ; put up for retail sale, of a fat content by weight in the dry matter not exceeding 56 %	7,10

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0406 30 31 0406 30 39 0406 30 90	— — other	13,54
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclusively from sheep's or goat's milk)	3,42
ex 0406 90	— other cheese (excluding cheese manufactured exclusively from sheep's or goat's milk):	
ex 0406 90 11	— — for processing	13,54
	— — other:	
ex 0406 90 13	— — — Emmentaler	7,10
ex 0406 90 15	— — — Gruyère, Sbrinz	7,10
ex 0406 90 27	— — — Bergkäse, Appenzell, Fromage fribourgeois, Vacherin Mont d'Or and Tête de Moine	7,10
ex 0406 90 19	— — — Glarus herb chese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	3,33 ⁽¹⁰⁾
ex 0406 90 21	— — — Cheddar	13,54
ex 0406 90 23	— — — Edam	8,36
ex 0406 90 25	— — — Tilsit	8,36
ex 0406 90 17	— — — Butterkäse	8,36
ex 0406 90 29	— — — Kashkaval	8,36
	— — — Feta:	
ex 0406 90 31	— — — — of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	— — — — other	8,36
ex 0406 90 35	— — — Kefalotyri	8,36
ex 0406 90 37	— — — Finlandia	8,36
ex 0406 90 39	— — — Jarlsberg	8,36
	— — — other:	
0406 90 50	— — — — cheese of sheep's milk or buffalo milk in containers, containing brine, or in sheep or goatskin bottles	—
	— — — — other:	
	— — — — — of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter:	
	— — — — — not exceeding 47 %:	
0406 90 61	— — — — — — Grana Padano, Parmigino-Reggiano	—
0406 90 63	— — — — — — Fiore Sardo, Pecorino	—
ex 0406 90 69	— — — — — — other	7,13
	— — — — — — exceeding 47 % but not exceeding 72 %	8,36
	— — — — — — exceeding 72 %:	
ex 0406 90 91	— — — — — — fresh cheese, fermented	10,67
ex 0406 90 93	— — — — — — other	10,67
	— — — — — — other:	
ex 0406 90 97	— — — — — — fresh cheese, fermented	11,00
ex 0406 90 99	— — — — — — other	11,00
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
1702 10	— lactose and lactose syrup ⁽¹⁾ :	
1702 10 90	— — other	5,36
2106	Food preparations not elsewhere specified or included:	
2106 90	— other:	
	— — flavoured or coloured sugar syrups:	
	— — — other:	
2106 90 51	— — — — lactose syrup	5,36

(¹) The compensatory amount per 100 kg net of these products shall be equal to the difference between the following components:

- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kg net of the product multiplied by ECU 0,428,
- an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kg net of the product multiplied by ECU 0,009818.

Where the amount calculated in accordance with the first indent is lower than the amount calculated in accordance with the second indent, the difference between the two amounts is charged on imports and granted on exports by Portugal.

(²) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those imported under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976, p. 9).

(³) The compensatory amount per 100 kg net of these products shall be equal to the difference between the following components:

- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kg of the product multiplied by ECU 0,428,
- an amount corresponding to the quantity in kilogram of the non-fat solids contained in 100 kg net of the product multiplied by ECU 0,107998.

Where the amount calculated in accordance with the first indent is lower than the amount calculated in accordance with the second indent, the difference between the two amounts is charged on imports and granted on exports by Portugal.

(⁴) The compensatory amount per 100 kg net of these products shall be equal to the difference between

- the amount per kilograms indicated multiplied by the weight of milk and cream contained in 100 kg of finished product, and
- the amount for each percentage point of sucrose or other sweetening matter content of 100 kg net of the product, equal to the compensatory amount applicable to 1 kg of white sugar.

Where the amount calculated in accordance with the first indent is lower than the amount calculated in accordance with the second indent, the difference between the two amounts is charged on imports and granted on exports by Portugal.

(⁵) The compensatory amount per 100 kg net of these products shall be equal to the difference between:

- the amount indicated, and
- the amount for each percentage point of sucrose or other sweetening matter content of 100 kg net of the product, equal to the compensatory amount applicable to 1 kg of white sugar.

Where the amount calculated in accordance with the first indent is lower than the amount calculated in accordance with the second indent, the difference between the two amounts is charged on imports and granted on exports by Portugal.

(⁶) The compensatory amount per 100 kg net of these products shall be equal to the difference between the following components:

- an amount corresponding to the quantity of milk fat expressed as a percentage, contained in 100 kg net of the product, multiplied by ECU 0,0428, and
- an amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kg net of the product multiplied by ECU 0,107998 plus an additional amount for each percentage point of sucrose or other sweetening matter content of 100 kg net of the product, equal to the compensatory amount applicable to 1 kg of white sugar.

Where the amount calculated in accordance with the first indent is lower than the amount calculated in accordance with the second indent, the difference between the two amounts is charged on imports and granted on exports by Portugal.

(⁷) The compensatory amount for 100 kg net of these products shall be equal to the amount indicated multiplied by the weight of the fat contained in 100 kg of finished product.

(⁸) Where the products falling within this code are subject to the measures laid down in Commission Regulations (EEC) No 3143/85 (OJ No L 298, 12. 11. 1985, p. 9), (EEC) No 570/88 (OJ No L 55, 1. 3. 1988, p. 31) or (EEC) No 429/90 (OJ No L 45, 21. 2. 1990, p. 8), no accession compensatory amount is to apply.

(⁹) The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amounts applicable to each of the constituents taking account of the quantities incorporated.

(¹⁰) Amounts to be charged on imports and granted on exports by Portugal.

(¹¹) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.

NB: In the case of goat's and sheep's milk and cream and the cheeses manufactured exclusively from these products:

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
 - the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the cheese in question was manufactured exclusively from sheep's or goat's milk.
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COMMISSION REGULATION (EEC) No 1768/91

of 21 June 1991

amending Regulation (EEC) No 2921/90 on aid for the production of casein and caseinates from skimmed-milk

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Commission Regulation (EEC) No 756/70 of 24 April 1970 on granting aid for skimmed-milk processed into casein and caseinates ⁽³⁾ was repealed by Regulation (EEC) No 2921/90 ⁽⁴⁾; whereas, at the time of its repeal, certain special measures were adopted to facilitate the release of the guarantees lodged pursuant to Article 4 (1) of Regulation (EEC) No 756/70; whereas it has been shown that, with regard to quantities reaching their destination by 14 October 1990, the said measures do not produce the intended result through no fault of the operators concerned; whereas, therefore, it is necessary to adopt new measures to permit those concerned to obtain the release of the guarantees by presenting supporting documents other than those now required;

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

Regulation (EEC) No 2921/90 is hereby amended as follows:

1. In Article 6:

- (a) the second sentence of the second paragraph is deleted;
- (b) the following third, fourth and fifth paragraphs are added:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 91, 25. 4. 1970, p. 28.

⁽⁴⁾ OJ No L 279, 11. 10. 1990, p. 22.

'Where the destinations referred to in the second paragraph have been reached by 14 October 1990, those concerned shall obtain release of the guarantees by submitting to the competent authority an application accompanied by the following supporting documents which must show the exact quantities of casein and caseinates involved and give the relevant production batch numbers:

- for exports: proof that the casein or caseinates concerned have left the customs territory of the Community,
- for deliveries to an establishment bound by the undertaking referred to in Article 4 (5) of Regulation (EEC) No 756/70: copy of the shipping document and/or delivery note and a copy of the invoice.

The competent authority shall only accept the application referred to in the third paragraph on condition that it includes a commitment by the person concerned to pay to the competent authority a sum equal to the securities released if it is discovered, during any control that the public authorities may carry out during the 12 months following the date of signature of the commitment, that the caseins or caseinates concerned had a destination other than that indicated in the supporting documents submitted in accordance with the third paragraph.

To facilitate administration of the release of guarantees, Member States shall, where required, assist in identifying the establishments bound by the commitment referred to in Article 4 (5) of Regulation (EEC) No 756/70 located on their territory.

2. In Article 7, the second paragraph is replaced by the following:

'It shall apply to casein and caseinates produced from 15 October 1990, subject to the provisions of Article 6.'

Article 2

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

Article 1 (1) (b) shall apply to casein and caseinates produced before 15 October 1990.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1769/91

of 21 June 1991

derogating from Regulation (EEC) No 1760/83 on special detailed rules for the application of the system of prefixation for certain agricultural products exported in the form of goods not covered by Annex II to the EEC Treaty

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 Articles 16 (6) and 26 thereof,

Whereas Commission Regulation (EEC) No 1760/83⁽³⁾, as last amended by Regulation (EEC) No 349/86⁽⁴⁾, in conformity with Article 7 of Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EEC) No 3381/90⁽⁶⁾, has fixed the period of validity of the certificates of advance fixing of the refund;

Whereas, in view of the expected disparity in the price of maize on the Community market in the current marketing year and that following the next harvest, the duration of validity of export licences for maize-based cereal products and for potato starch, where the price level is dependent on the price of maize, has been adapted by a temporary derogation from Regulation (EEC) No 891/89⁽⁷⁾, as last amended by Regulation (EEC) No

675/91⁽⁸⁾; whereas therefore it is necessary to derogate temporarily from Regulation (EEC) No 1760/83 by reducing the duration of validity of certificates of prefixation with respect to refunds fixed in advance for maize exported in form of goods not covered by Annex II to the Treaty; whereas for this reason this Regulation must enter into force on the day after that of its publication;

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

By derogation from Regulation (EEC) No 1760/83, the duration of validity of certificates delivered between the day of entry into force of this Regulation and 30 September 1991 of advance fixation of refunds for maize exported in the form of goods not covered by Annex II to the Treaty is limited to 30 September 1991.

Article 2

This Regulation shall enter into force on the day following 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, 21 June 1991.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 172, 30. 6. 1983, p. 20.

⁽⁴⁾ OJ No L 42, 19. 2. 1986, p. 6.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁷⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁸⁾ OJ No L 75, 21. 3. 1991, p. 30.

COMMISSION REGULATION (EEC) No 1770/91
of 21 June 1991

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 1 October to 31 December 1990

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by Commission Regulation (EEC) No 2886/89⁽²⁾, and in particular Article 17a (10) thereof,

Whereas the compensation referred to in Article 17a of Regulation (EEC) No 3796/81 is granted, under certain conditions, to Community tuna producers' organizations in respect of quantities of tuna delivered to the canning industry, during the calendar quarter for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price are both lower than 93 % of the Community producer price for the product in question;

Whereas examination of the situation on the Community market has shown that for some species and presentations of the product in question, for the period 1 October to 31 December 1990, both the average quarterly market price and the free-at-frontier price referred to in Article 17a of Regulation (EEC) No 3796/81 were lower than 93 % of the Community producer price in force as laid down in Council Regulation (EEC) No 3648/89 of 27 November 1989 fixing the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604 for the 1990 fishing year⁽³⁾;

Whereas the quantities eligible for compensation, within the meaning of Article 17a (2) of Regulation (EEC) No 3796/81, may not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article;

Whereas, in the case of yellowfin weighing not more than 10 kg, skipjack and albacore, none of these limits is exceeded and, consequently, there is no need to determine the maximum quantities in respect of which the allowance may be granted;

Whereas, on the other hand, during the quarter concerned the quantities of yellowfin weighing more than 10 kg, sold and delivered to canning industries established in Community customs territory were higher than the average of the quantities sold and delivered during the

same quarter of the preceding three fishing years; whereas, these quantities exceed the limits set in the second indent of Article 17a (4) of Regulation (EEC) No 3796/81, the total quantities of these products should therefore be limited to those eligible for compensation and the quantities granted to each producers' organization concerned should be determined in accordance with their respective output during the same quarter of the 1984 to 1986 fishing years;

Whereas, in accordance with Commission Regulation (EEC) No 2381/89 of 2 August 1989 laying down detailed rules for granting compensation for tuna for the canning industry⁽⁴⁾, the granting of compensation for the products in question should be decided for the period from 1 October to 31 December 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

The compensation referred to in Article 17a of Regulation (EEC) No 3796/81 shall be granted for the period 1 October to 31 December 1990, in respect of the products listed and within the limits set out below:

<i>(ecu/tonne)</i>	
Products	Maximum amount of allowance within the meaning of the first and second indents of Article 17a (3) of Regulation (EEC) No 3796/81
Yellowfin tuna, whole, weighing more than 10 kg	138
Yellowfin tuna, whole, weighing not more than 10 kg	111
Skipjack or stripe-bellied tuna, whole	86
Albacore or longfinned tuna, whole	70

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 282, 2. 10. 1989, p. 1.

⁽³⁾ OJ No L 357, 7. 12. 1989, p. 6.

⁽⁴⁾ OJ No L 225, 3. 8. 1989, p. 33.

Article 2

1. The total quantity of yellowfin weighing more than 10 kg that may be eligible for the allowance is hereby limited to 13 137 tonnes.
2. The total quantity shall be allocated among the producers' organizations concerned in accordance with the Annex hereto.

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, 21 June 1991.

For the Commission

Manuel MARÍN

Vice-President

ANNEX

Allocation among the producers' organizations of yellowfin weighing more than 10 kg that may be eligible for compensation and calculation of the maximum amount thereof in accordance with Article 17a (6) of Regulation (EEC) No 3796/81

(in tonnes)

Producers' organization	Quantities that may be eligible for the allowance	Total quantities
	100 % Article 17a (6) first indent	
Organización de productores asociados de grandes congeladores (Opagac)	3 890	3 890
Organización de productores de túnidos congelados (Optuc)	5 230	5 230
Organisation de producteurs de thon congelé (Orthongel)	4 017	4 017
Total quantities	13 137	13 137

COMMISSION REGULATION (EEC) No 1771/91

of 21 June 1991

laying down detailed rules for the application of Council Regulation (EEC) No 597/91 for the supply of sunflower oil to Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 597/91 of 5 March 1991 on urgent action for the supply of agricultural and medical products intended for the people of Romania and Bulgaria⁽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 purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 2 (4) thereof,

Whereas Council Regulation (EEC) No 597/91 provides for urgent action for the free supply of agricultural products to Bulgaria and Romania; whereas the costs of supplying these products are to be met by the European Community;

Whereas Romania has requested the supply of 20 000 tonnes of unrefined sunflower oil, in view of the urgent situation and the capacity of its processing plants; whereas this request should be granted and detailed rules should be laid down for the supply of the remaining 15 000 tonnes; whereas, since this product is not available from intervention stocks, it must be mobilized on the Community market;

Whereas, pursuant to Regulation (EEC) No 597/91, suppliers are to be chosen by tendering procedure; whereas this procedure must enable the most advantageous supply costs to be determined, in particular as regards the price of the product and the cost of transport for delivery to the destination in Romania indicated;

Whereas, in order to ensure that the supplies are effected properly, it is necessary to determine the conditions for lodging securities 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 determining the supply costs and the securities to be lodged, and in order to avoid

market distortions as a result of monetary factors, provision 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 measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the supply of 15 000 tonnes of crude (unrefined) sunflower oil to Romania in two lots pursuant to Regulation (EEC) No 597/91 and in accordance with the conditions laid down in this Regulation.

The supply shall comprise:

- the mobilization on the Community market of unrefined sunflower oil of sound, fair and merchantable quality with the following characteristics:
 - basic acidity (FFA) 2 %, not more than 3 %,
 - water and impurities: not more than 0,5 %;
- bulk delivery,
 - if by sea: to the port of Constanta, product unloaded on the quay (Frial SA, Constanta. Tel. 916/83 300),
 - in other cases: to destination, product unloaded (Ulcom SA, Sloboyia, Chaussé Amara, 3. Tel. 910/13 650).

The supply shall be made in the following two lots:

Lot A: 7 500 tonnes before 13 August,

Lot B: 7 500 tonnes before 27 August.

In the case of a further tendering procedure being initiated: before 3 September.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 17.

⁽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.

Article 2

1. Tenderers may participate in the tendering procedure as follows:

- tenders may be sent in writing by registered mail to the Commission office indicated below or the written tender may be lodged, against acknowledgment of receipt, with that office. In such cases, tenders shall be placed in an envelope bearing the words 'Emergency aid to Romania, Regulation (EEC) No 1771/91'. The envelope must be sealed and placed inside a second envelope bearing the address given below;
- tenders may also be sent by telecommunication in written form.

In order to be considered acceptable, tenders must be received by mail or lodged in their entirety before 12.00 noon (Brussels time) on:

- Lot A: 2 July,
- Lot B: 16 July.

In the event of a contract for the supply not being awarded pursuant to Article 3, the new time limit for the submission of tenders shall be 12 noon (Brussels time) on 23 July.

Commission of the European Communities,
Oilseeds and Protein Crops Division,
Loi 120, office 7/132,
rue de la Loi 200,
B-1049 Brussels.
(Telex: AGREC 22037B or 25670B)
(fax: Brussels 2364317 or 2362005).

2. Tenders shall be valid only if:

- (a) they refer clearly to the supply provided for in Article 1 and to this Regulation;
- (b) they indicate the name, address, telex and/or fax number of the tenderer established in the Community;
- (c) they cover the total quantity of a particular lot;
- (d) they specify an amount in ecus per tonne for effecting the total supply of a lot. The tender must indicate the costs of sea transport separately;
- (e) they indicate the means of transport to be used; in the case of sea transport, they must indicate the port of embarkation in the Community; in other cases, they must indicate the address of the storehouse of departure;
- (f) they are accompanied by proof that the tenderer as lodged a tendering security of ECU 15 per tonne in favour of the Commission.

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

No tender may be changed or withdrawn.

Article 3

1. On the basis of the tenders received,

- the supply contract shall be awarded to the tenderer whose tender quotes the lowest amount,

— or, where necessary, no supply contract shall be granted, in particular where the tenders submitted exceed the prices normally obtaining on the market.

2. Within three working days following the closing date for submission of tenders, the Commission shall inform all tenderers by written telecommunication of the outcome of the tendering procedure. Where a contract is awarded, the successful tenderer shall be informed thereof without delay by written telecommunication.

Article 4

1. The tendering security provided for in Article 2 (2) (f) shall be released without delay if a tender is not accepted or if 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 tender until the decision provided for in Article 3 (1) has been adopted;
 - (b) for the successful tenderer: the lodging of the supply security in accordance with Article 5.

Article 5

Within five working days of being notified that he has been awarded the supply contract, the successful tenderer shall communicate to the agency referred to in Article 6 evidence that a supply security amounting to 10 % of the amount quoted in the tender has been lodged in its favour as laid down in Title III of Regulation (EEC) No 2220/85.

Article 6

The successful tenderer shall present, before 27 September 1991, an application for payment for the supplies to the intervention agency in the Member State in which the storehouse referred to in Article 2 (2) (e) is situated or the Member State of the port of loading in the case of sea transport. That application shall be accompanied by:

- the original of the take-over certificate drawn up on the model in the Annex and issued by the representative of Prodexport SA, 1 Walter Marcineanu Square, Bucharest (tel. 15 55 95),
- a copy of the marine transport document,
- the certificate drawn up by the body mentioned in Article 7 on completion of the checks carried out.

Payment for the supplies will be calculated for the net quantity indicated on the take-over certificate referred to above.

Article 7

The successful tenderer shall submit to the checks carried out by the agency appointed by the Commission, having been informed of its identity in good time. For this purpose he shall inform the agency of the places where the product to be supplied is stored or, where applicable, packaged and in the case of sea transport, the port of loading, the ship and the date of loading at the port.

Article 8

1. The primary requirements relating to the supply within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be delivery under the conditions laid down.

The quantity delivered shall be considered as satisfactory when the net weight, ascertained when the product is taken over by the beneficiary, is not more than 1 % less than the quantity foreseen.

2. The supply security shall be released when the tenderer presents the documents referred to in Article 6 to the intervention agency concerned.
3. In cases of *force majeure*, the supply security shall be released immediately.

Article 9

The conversion rates to be used for tenders and for the tendering and supply securities shall be the representative market rates referred to in Article 3a of Regulation (EEC)

No 3152/85 applicable on the final date for submission of tenders.

Article 10

1. The Commission shall notify the organizations referred to in Articles 6 and 7 of the name of the successful tenderer and provide all information necessary for the supply.

2. The organizations referred to in paragraph 1 shall provide the Commission with full information on the supply, in particular with regard to the results of the checks.

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, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

TAKE-OVER CERTIFICATE

I, the undersigned :

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

acting on behalf of for the account of the
..... Government, hereby certify that the goods referred to below,
delivered pursuant to Commission Regulation (EEC) No 1771/91, have been taken over :

— Place and date of taking-over :

.....

— Type of product :

.....

— Tonnage, weight taken over (net) :

.....

— Packaging :

.....

.....

.....

.....

Comments :

.....

.....

.....

.....

.....

.....

Signature :

Date :

COMMISSION REGULATION (EEC) No 1772/91
of 21 June 1991
fixing the amount of the subsidy on oil seeds

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1644/91⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 772/91⁽⁷⁾, as last amended by Regulation (EEC) No 1619/91⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 772/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ shall be as set out in the Annexes hereto.

2. However, the amount of the aid fixed in advance for the 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 22 June 1991 to take account of the prices and related measures for the 1991/92 marketing year and of the consequences of the maximum guaranteed quantity arrangements.

Article 2

This Regulation shall enter into force on 22 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 153, 17. 6. 1991, p. 94.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 81, 28. 3. 1991, p. 62.

⁽⁸⁾ OJ No L 149, 14. 6. 1991, p. 54.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 6	1st period 7 (¹)	2nd period 8 (¹)	3rd period 9 (¹)	4th period 10 (¹)	5th period 11 (¹)
1. Gross aids (ECU):						
— Spain	0,000	7,500	7,500	7,500	7,500	7,777
— Portugal	23,677	14,470	14,470	14,470	14,470	14,747
— Other Member States	16,707	7,500	7,500	7,500	7,500	7,777
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	39,33	17,66	17,66	17,66	17,66	18,31
— Netherlands (Fl)	44,32	19,89	19,89	19,89	19,89	20,63
— BLEU (Bfrs/Lfrs)	811,23	364,17	364,17	364,17	364,17	377,62
— France (FF)	131,91	59,22	59,22	59,22	59,22	61,40
— Denmark (Dkr)	150,03	67,35	67,35	67,35	67,35	69,84
— Ireland (£ Irl)	14,682	6,591	6,591	6,591	6,591	6,834
— United Kingdom (£)	12,625	5,363	5,363	5,363	5,363	5,580
— Italy (Lit)	29 429	13 211	13 211	13 211	13 211	13 638
— Greece (Dr)	3 124,08	928,47	884,18	844,03	844,03	769,97
— Spain (Pta)	0,00	1 302,66	1 302,66	1 302,66	1 301,66	1 331,65
— Portugal (Esc)	4 954,00	3 035,68	3 035,68	3 028,33	3 028,33	3 051,65

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 6	1st period 7 (¹)	2nd period 8 (¹)	3rd period 9 (¹)	4th period 10 (¹)	5th period 11 (¹)
1. Gross aids (ECU):						
— Spain	0,000	10,000	10,000	10,000	10,000	10,277
— Portugal	26,177	16,970	16,970	16,970	16,970	17,247
— Other Member States	19,207	10,000	10,000	10,000	10,000	10,277
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	45,22	23,54	23,54	23,54	23,54	24,19
— Netherlands (Fl)	50,95	26,53	26,53	26,53	26,53	27,26
— BLEU (Bfrs/Lfrs)	932,62	485,56	485,56	485,56	485,56	499,01
— France (FF)	151,65	78,96	78,96	78,96	78,96	81,14
— Denmark (Dkr)	172,48	89,80	89,80	89,80	89,80	92,29
— Ireland (£ Irl)	16,879	8,788	8,788	8,788	8,788	9,031
— United Kingdom (£)	14,574	7,312	7,312	7,312	7,312	7,529
— Italy (Lit)	33 832	17 615	17 615	17 615	17 615	18 042
— Greece (Dr)	3 681,35	1 485,73	1 441,44	1 401,29	1 401,29	1 327,23
— Spain (Pta)	0,00	1 684,90	1 684,90	1 684,90	1 684,90	1 713,89
— Portugal (Esc)	5 475,69	3 557,37	3 557,37	3 550,02	3 550,02	3 573,34

(¹) Amount fixed provisionally, pending and subject to the setting of the prices and related measures and of the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming in particular:

- to the Commission's proposals for the 1991/92 marketing year as regards the target price, the monthly increases, the reduction for rape seed other than 'double zero' and the arrangements applying to rape seed harvested in Spain;
- to the adjustment resulting from the maximum guaranteed quantity arrangements and that of the agricultural conversion rates applied for the 1990/91 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 6	1st period 7	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)
1. Gross aids (ECU):					
— Spain	27,639	27,219	20,263	20,263	20,204
— Portugal	36,625	36,212	27,424	27,424	27,366
— Other Member States	24,385	23,972	15,184	15,184	15,126
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	57,41	56,43	35,75	35,75	35,61
— Netherlands (Fl)	64,68	63,59	40,28	40,28	40,12
— BLEU (Bfrs/Lfrs)	1 184,05	1 163,99	737,28	737,28	734,46
— France (FF)	192,53	189,27	119,89	119,89	119,43
— Denmark (Dkr)	218,97	215,27	136,35	136,35	135,83
— Ireland (£ Irl)	21,429	21,066	13,343	13,343	13,292
— United Kingdom (£)	18,619	18,288	11,321	11,321	11,274
— Italy (Lit)	42 953	42 225	26 746	26 746	26 644
— Greece (Dr)	4 847,55	4 728,93	2 544,28	2 501,44	2 486,31
— Portugal (Esc)	7 655,13	7 569,27	5 739,46	5 731,84	5 719,77
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 351,68	4 290,36	3 263,13	3 263,13	3 254,52
— in another Member State (Pta)	4 416,64	4 356,44	3 342,02	3 342,02	3 333,56

(1) Amount fixed provisionally, pending and subject to the setting of the prices and related measures and of the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming in particular to:

- the Commission's proposals for the 1991/92 marketing year as regards the target price, the monthly increases, the reduction for rape seed other than 'double zero' and the arrangements applying to rape seed harvested in Spain;
- the adjustment resulting from the maximum guaranteed quantity arrangements and the agricultural conversion rates applied for the 1990/91 marketing year.

(2) For seed harvested in Member States other than Spain and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0186140.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
DM	2,052960	2,051220	2,049720	2,048320	2,048320	2,044860
Fl	2,313090	2,311680	2,310340	2,308900	2,308900	2,305330
Bfrs/Lfrs	42,286000	42,252700	42,221400	42,195300	42,195300	42,117500
FF	6,970720	6,970080	6,969330	6,968550	6,968550	6,963500
Dkr	7,915590	7,911420	7,908030	7,904900	7,904900	7,895690
£Irl	0,768409	0,768487	0,768438	0,768455	0,768455	0,767742
£	0,699847	0,700672	0,701369	0,701885	0,701885	0,702975
Lit	1 529,53	1 531,05	1 532,80	1 534,25	1 534,25	1 539,58
Dr	223,77200	225,60200	227,63600	229,48000	229,48000	235,78800
Esc	181,88300	182,34200	182,21800	183,09800	183,09800	184,53400
Pta	128,07500	128,29400	128,48600	128,66700	128,66700	129,21900

COMMISSION REGULATION (EEC) No 1773/91

of 21 June 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90⁽³⁾, as last amended by Regulation (EEC) No 1696/91⁽⁴⁾;

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

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

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

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

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

Whereas these exchange rates being those recorded on 20 June 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 156, 20. 6. 1991, p. 24.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 21 June 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	35,75 ⁽¹⁾
1701 11 90	35,75 ⁽¹⁾
1701 12 10	35,75 ⁽¹⁾
1701 12 90	35,75 ⁽¹⁾
1701 91 00	39,94
1701 99 10	39,94
1701 99 90	39,94 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1774/91**of 21 June 1991****amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EEC) No 1557/91 ⁽⁴⁾, opens buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 25 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 144, 8. 6. 1991, p. 28.

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er}, paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1, lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do artigo 1.º

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
	U	R	O	U	R	O
Belgique		x	x			
Denmark		x	x			
Deutschland	x	x				
España	x	x	x			
France		x	x			x
Ireland				x	x	x
Italia			x			
Luxembourg		x	x			
Nederland		x				
Great-Britain				x	x	x
Northern Ireland				x		

COMMISSION REGULATION (EEC) No 1775/91
of 21 June 1991
amending Regulation (EEC) No 1676/91 introducing a countervailing charge on
fresh lemons originating in Argentina

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 1623/91⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1676/91⁽³⁾ introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1676/91, 'ECU 3,5' is hereby replaced by 'ECU 5,74'.

Article 2

This Regulation shall enter into force on 22 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 199, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 83.

COMMISSION REGULATION (EEC) No 1776/91

of 21 June 1991

introducing a corrective amount on the import of apricots into the Community
of Ten from Spain (except the Canary Islands)

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain (except the Canary Islands) for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 1186/91⁽²⁾ fixed, for the 1991 marketing year, the Community offer price for apricots applicable with regard to Spain (except Canary Islands);Whereas Commission Regulation (EEC) No 3815/89⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain (except the Canary Islands);

Whereas, in the case of apricots, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 has

remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain (except the Canary Islands);

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾,
- 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

On import into the Community of Ten of apricots (CN code 0809 10 00) from Spain (except the Canary Islands) a corrective amount of ECU 6,39 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 25 June 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.⁽²⁾ OJ No L 115, 8. 5. 1991, p. 19.⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1777/91

of 21 June 1991

fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as last amended by Regulation (EEC) No 523/91⁽²⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90⁽³⁾, as amended by Regulation (EEC) No 815/91⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of amended Regulation (EEC) No 715/90 shall, in respect of importations during the third quarter of 1991, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.
⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 χγρ	España Pts/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 31	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 33	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 35	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 37	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0201 10 10	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 10 90	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 20 21	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 20 29	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 20 31	8 249,4	1 525,63	399,96	42 833,82	26 353,47	1 341,42	149,298	299 260	450,66	35 452,78	135,138
0201 20 39	8 249,4	1 525,63	399,96	42 833,82	26 353,47	1 341,42	149,298	299 260	450,66	35 452,78	135,138
0201 20 51	12 374,2	2 288,45	599,94	64 250,85	39 530,27	2 012,13	223,949	448 890	675,98	53 179,26	202,707
0201 20 59	12 374,2	2 288,45	599,94	64 250,85	39 530,27	2 012,13	223,949	448 890	675,98	53 179,26	202,707
0201 20 90	15 467,7	2 860,56	749,93	80 313,50	48 373,60	2 515,17	279,935	561 112	844,97	66 474,04	253,383
0201 30 00	17 692,8	3 272,07	857,81	91 867,25	56 005,54	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0202 10 00	8 675,9	1 604,51	420,64	45 048,45	27 787,45	1 410,78	157,018	314 732	473,96	37 285,79	142,124
0202 20 10	8 675,9	1 604,51	420,64	45 048,45	27 787,45	1 410,78	157,018	314 732	473,96	37 285,79	142,124
0202 20 30	6 940,8	1 283,61	336,51	36 038,81	22 229,97	1 128,62	125,615	251 786	379,16	29 828,67	113,700
0202 20 50	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 20 90	13 013,9	2 406,76	630,96	67 572,79	40 756,88	2 116,16	235,527	472 100	710,93	55 928,78	213,188
0202 30 10	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 30 50	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 30 90	14 922,6	2 759,75	723,50	77 483,26	47 173,73	2 426,53	270,070	541 339	815,20	64 131,50	244,454
0206 10 95	17 692,8	3 272,07	857,81	91 867,25	56 005,54	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0206 29 91	14 922,6	2 759,75	723,50	77 483,26	47 173,73	2 426,53	270,070	541 339	815,20	64 131,50	244,454
0210 20 10	15 467,7	2 860,56	749,93	80 313,50	48 373,60	2 515,17	279,935	561 112	844,97	66 474,04	253,383
0210 20 90	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0210 90 41	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0210 90 90	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
1602 50 10	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
1602 90 61	17 692,8	3 272,07	857,81	91 867,25	54 653,81	2 876,99	320,207	641 833	966,54	76 036,86	289,834

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-kodeme, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten : zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

COMMISSION REGULATION (EEC) No 1778/91

of 21 June 1991

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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 subparagraph of Article 16(2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 11(2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas Article 3 of Council Regulation (EEC) No 2746/75⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for July 1991 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 21 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 21 June 1991 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	145,00
1001 90 99 000	90,00
1002 00 00 000	—
1003 00 90 000	85,00
1004 00 90 000	—
1005 90 00 000	90,00
1006 20 92 000	194,47
1006 20 94 000	194,47
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	243,09
1006 30 92 900	243,09
1006 30 94 100	243,09
1006 30 94 900	243,09
1006 30 96 100	243,09
1006 30 96 900	243,09
1006 40 00 000	—
1007 00 90 000	90,00
1101 00 00 100	119,00
1101 00 00 130	119,00
1102 20 10 100	175,53
1102 20 10 300	150,46
1102 30 00 000	—
1102 90 10 100	110,79
1103 11 10 500	215,00
1103 11 90 100	119,00
1103 13 19 100	225,68
1103 14 00 000	—
1104 12 90 100	127,14
1104 21 50 100	147,72

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 December 1990

concerning two aid projects of the German Government in favour of a shipyard
in financial difficulties

C 54/89 (ex NN 27/89, N 140/89)

(Only the German text is authentic)

(91/306/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given the parties concerned notice to submit their comments in accordance with that provision,

Having regard to Council Directive 87/167/EEC of 26 January 1987 on aid to shipbuilding⁽¹⁾,

Whereas :

I

Pursuant to Article 4 (7) of Directive 87/167/EEC, the Commission approved by letter of 9 March 1988 a development aid project by the German Government for Senegal. The aid project concerned the granting of a loan with soft conditions (15 year 100 % loan, one year grace period and 3,375 % interest per year) for the purchase of a special-purpose ferry with a contract value of DM 23 million to be built by Schiffswerft Germersheim.

According to the German Government's notification of the aid the credit conditions represent a grant equivalent

under OECD (Organization for Economic Cooperation and Development) terms of 33,4 %.

Pursuant to Article 10 (2) of Directive 87/167/EEC the German Government by verbal note of 20 March 1989 notified the Commission of an aid project by the Federal Minister of Finance at the request of the Land Rheinland-Pfalz for the Schiffswerft Germersheim. This aid project of 7 December 1988 concerned a 90 % guarantee on a loan of DM 1,8 million to keep the company in operation. This loan eventually appeared to be connected with the completion of the construction of a gravel silo vessel for inland waters.

Pursuant to the same Article of Directive 87/167/EEC the German Government by verbal note of 9 May 1989 notified the Commission of an aid project by the Land Rheinland-Pfalz for the Schiffswerft Germersheim GmbH im Konkurs. This aid project of spring 1989 concerned a 95 % guarantee on a loan of DM 20,7 million for the in-between financing of the construction of the Senegal contract, made necessary by the financial difficulties which the yard in the meantime had met.

As it appeared that the Schiffswerft Germersheim was in a state of bankruptcy the Commission asked the German Government to confirm this legal situation and to specify details concerning the bankruptcy, the future prospects of the Germersheimer Werft and a breakdown of the yard's turnover figures for 1988 and 1989 to enable the Commission to calculate an aid equivalent.

⁽¹⁾ OJ No L 69, 12. 3. 1987, p. 55.

As it appeared that the German Government in its letter of 25 July 1989 stated that it withdrew the notification of the 95 % guarantee on the DM 1,8 million loan and did not provide sufficient information on the different activities that formed part of the total turnover of the yard, information which was also lacking in the German Government's verbal note of 3 August 1989, the Commission by letter of 8 September 1989 asked the German Government again to specify details on the state of bankruptcy and the content of ocean-going shipbuilding in the company's total turnover figures. In the German Government's verbal note of 3 August 1989 it was stated that the second aid project, i.e. the 95 % guarantee on the DM 20,7 million loan was to be considered as development aid.

The Schiffswerft Germersheim filed a claim for legal settlement with creditors on 25 November 1988, after which the Amtsgericht Landau declared the state of bankruptcy on 17 January 1989. It appears that from some stage in spring 1989 onwards sites and facilities of the yard were used by the Schiffswerft Germersheim im Konkurs as well as by the newly founded Auffangesellschaft Neue Schiffswerft Germersheim.

By teletypes of 24 and 31 May 1989, a competitor raised a complaint to the Commission, criticising the foundation of the new company by the trustee of the Schiffswerft Germersheim and the rescue aid granted to the yard which would not have been in line with Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in waterway transport⁽²⁾.

Since in the German Government's verbal notes of 17 October and 27 November 1989 all the requested information about the shipbuilding activities of the company had not been given, the Commission initiated the Article 93 (2) procedure by letter SG(89) D/000014 of 4 January 1990 in respect of the two abovementioned guarantees for the companies using the site and facilities of the former Schiffswerft Germersheim.

No other Member State or interested party reacted on the publication of this decision in the *Official Journal of the European Communities*⁽¹⁾.

In the verbal note of the German Government of 13 February 1990 it was stated that the 90 % guarantee on a DM 1,8 million loan concerned the fulfilment of a building contract for a gravel silo vessel for inland waters, guarantee which was returned four months after its provision. On the 95 % guarantee on a DM 20,7 million loan it was repeated that this guarantee was to be considered as

development aid and means to cover the risks not covered by the Hermes-guarantee approved by the Commission in its letter of 9 March 1988. In the verbal note of 2 May 1990 an overview was given of the activities comprised in the 1988, 1989 and 1990 turnovers of the Schiffswerft Germersheim im Konkurs.

II

The fact that the German authorities have withdrawn their notification on the 90 % guarantee on the DM 1,8 million loan because the guarantee had not to be called in during the building process does not prevent the fact that had the notification been made before the guarantee was given, an assessment of this project would have been made under the provisions of Article 92 of the EEC Treaty. The withdrawal of the notification is due to the fact that the aid has served its purpose. Given the fact that the guarantee was necessary for the yard to continue its operation while in serious financial difficulties, the guarantee even has the character of a rescue aid.

Given the fact that the guarantee is related to the building process of a vessel for inland waters, which activity falls outside the scope of the definition of shipbuilding used in Article 1 of Directive 87/167/EEC the aid project of the provision of a 90 % guarantee on a DM 1,8 million loan has to be considered under the provisions of Article 92 of the EEC Treaty.

The provision of a 95 % guarantee on a DM 20,7 million loan in 1989 has to be assessed under the provisions of Directive 87/167/EEC and if this Directive does not apply, it then has to be appraised under the provisions of Article 92 of the EEC Treaty. The general principle of Chapter II of Directive 87/167/EEC is to ensure that aid granted to shipyards and shipowners directly related to contracts together with other operating aid granted to the shipyard can be deemed compatible with the common market as long as the grant equivalent of the aid does not exceed a common maximum aid ceiling expressed as a percentage of the contract value before aid.

However, it is true that according to Article 4 (7) of Directive 87/167/EEC aid related to shipbuilding and ship conversion granted as development assistance to a developing country is not to be subject to the ceiling and may be deemed compatible with the common market if it complies with the terms laid down for that purpose by OECD Working Party No 6 in its agreement concerning the interpretation of Articles 6 to 8 of the OECD Council resolution of 3 August 1981. This agreement only provides for the grant of aid in the form of export credits on certain terms and does not envisage the grant of guarantees. The aim of Article 4 (7) of the Directive is to allow aid to reduce the price of ships to certain developing countries in specific circumstances and not to grant

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽²⁾ OJ No C 52, 3. 3. 1990, p. 10.

rescue aid to yards in the Community. For this reason while the Commission approved on 9 March 1988 the aid element contained in the soft credit conditions in the ferry contract with Senegal it cannot consider that the grant of a guarantee comes under Article 4 (7) since a guarantee to a shipyard provides aid to that yard which should normally be assessed under Articles 4 (1) and 5 of the Directive.

The fact that a subsequent 95 % guarantee on a DM 20,7 million loan is needed during a period of financial difficulties to ensure the continuance of the yard's activities, including the building process of a development project, does not imply that development aid within the meaning of Article 4 (7) of Directive 87/167/EEC is concerned. The development aid notified and approved by the Commission for the ferry for Senegal only made reference to credit conditions for Senegal and not to possible production aid granted later to the yard in order to make it capable of completing the ship for the recipient in Senegal.

Since financing costs during the building process are a normal part of the cost price, for which part public support is not common practice, it is clear that this guarantee is ordinary production aid which became necessary on account of the financial difficulties of the yard. The fact that after no bank was found willing to grant the loan, as it was only covered by a 90 % guarantee, the guarantee had to be raised to the present 95 % conclusively proves the point that this 95 % guarantee on a DM 20,7 million loan represents operating aid.

Such rescue aid has, when granted under Article 5 (1) of the Directive, to be assessed in accordance with the prevailing maximum aid ceiling for production aid (1988 : 28 %, 1989 : 26 %). The aid intensity is to be quantified as a percentage of the aid recipient's annual turnover in shipbuilding and ship conversion. Aid granted as development assistance to shipbuilding according to Article 4 (7) of the Directive, however, is exempted from this ceiling. Such aid typically represents minimum grant equivalents already exceeding the ceiling. Therefore work in progress on such contracts is not included in the aid recipient's turnover in shipbuilding eligible for other operating aid under the Directive.

During the period of grant of the two guarantees concerned, respectively 1988 and 1989, the turnover of

the Germersheim yard was made up by the following activities :

(million DM)		
Schiffswerft Germersheim iK	1988	1989
Ship newbuilding	—	9,342 (1)
Ship repair	0,515	—
Other (practically only construction and repair of inland waterway vessels)	17,627	7,344
Total turnover	18,142	16,686
Total newbuilding	—	9,342 (1)

(1) Senegal contract

Except for the Senegal contract all the shipbuilding turnover of the yard was, at the time when the rescue aid was granted, related to the building of inland vessels, which is not within the scope of Directive 87/167/EEC. Therefore there is no turnover to relate to the abovementioned aid measure under Article 5 (1). Therefore no aid is permissible under the Directive and the aid equivalent of the 95 % guarantee on a DM 20,7 million construction loan cannot be authorized under the Directive.

Given the absence of turnover to relate to the abovementioned aid equivalents of the 90 % guarantee on a DM 1,8 million loan and the 95 % guarantee on the DM 20,7 million loan, and therefore the absence of a basis for approval of this aid under the Directive, the aid will therefore also have to be assessed under Article 92 of the EEC Treaty.

III

The rescue aid to Schiffswerft Germersheim therefore has to be judged on the basis of EEC policies on control and reduction of the Community fleet for inland waters. Against the background of the loss of employment in yards focused on inland vessel construction in recent years, such rescue aid is obviously likely to distort competition. The complaints made by a competitor in spring

1989 show that aid projects like those under consideration do affect other parties in the same field of activities. For these reasons both the operating aid as provided in 1988 by the 90 % guarantee on a loan of DM 1,8 million for working capital related to the construction of a vessel for inland waters and the 95 % guarantee in 1989 on a DM 20,7 million loan to keep the yard in operation are aid within the meaning of Article 92 (1) of the EEC Treaty.

Article 92 (1) lays down that in general State aid is incompatible with the common market.

By way of the rescue aid, Schiffswerft Germersheim could avoid the consequence of the EEC policies on control and reduction of the Community fleet for inland waters. Regulation (EEC) No 1101/89 was adopted against the background of the manifest structural overcapacity in every sector of the inland waterway transport market; only a scrapping scheme is expected to be able to bring about a substantial reduction in this overcapacity. Aid projects to maintain building capacity on the supply side of the market for inland vessels in general are not consistent with such a policy in a situation of substantial imbalance between offer and demand. Development aid projects could provide an exemption from this rule as long as the project is of a genuine developing character and the continued operation of the building capacity can be seen as a positive side-effect. Where on top of such aid additional rescue aid is needed without clear indications of a planned restructuring, the conclusion can be only that such cumulation of aid is not in the common interest.

IV

The aid projects for the continued operation of the yard in Germersheim do not qualify for any of the exceptions in Article 92 (3) of the EEC Treaty.

The region Ludwigshafen/Mannheim, in which Germersheim is situated, is not acknowledged as an aid beneficiary region under the common regional aid policy. For this reason the provisions of Article 92 (3) (a) do not apply.

The aid projects for the Germersheim yard cannot be seen as contributing to the realization of an important project of common interest or remedying a serious disturbance in a Member State's economy, given the size of the building projects and the sector they are in. Therefore the exception in Article 92 (3) (b) does not apply either.

The provisions of Article 92 (3) (c) where it is stated that aid projects can be compatible with the common market if the aid project is aimed at facilitating certain economic

activities or certain regional economies provided that these do not harm the common interest, do not apply either. No reference was made in the notifications to restructuring measures or new activities in possible new markets intended by the yard, whereas it has already been argued above that rescue aid only aimed at the continued operation in a market where already a prominent overcapacity exists is not consistent with the present common policy and therefore not in the common interest. The present common policy laid down in Regulation (EEC) No 1101/89 is designed to reduce the overcapacity that affects every sector of the inland waterway transport market by introducing a scrapping scheme as the only way to bring about a substantial reduction in overcapacity in the near future, thus improving the structures of inland waterway transport. Therefore, aid to an inland waterway transport producer which is not granted for the purposes of restructuring does not contribute to the Community objective of reducing overcapacity in this sector and is therefore contrary to the common interest. Therefore Article 92 (3) (c) does not apply either.

Since the aid is contrary to the common interest and has been paid without the prior authorization of the Commission, it is illegal and incompatible with the common market.

Therefore, the German authorities should be required to recover it from the beneficiary. In order to quantify the benefit of the aid, the Commission has drawn on the common agreement reached with Member States at a multilateral meeting, in which the German authorities also participated, where it was agreed that the aid equivalent of a guarantee granted in the shipbuilding sector would be deemed to be 10 % of the amount of the loan covered by the guarantee. Such assessment of guarantees has since become the practice in all aid projects where guarantees were involved. Therefore the Commission considers that the value of the guarantees which are the subject of this Decision should also be fixed at 10 %,

HAS ADOPTED THIS DECISION :

Article 1

The aid measures adopted by the German Government to provide a 90 % guarantee on a DM 1,8 million loan for working capital and a 95 % guarantee on a DM 20,7 million loan for working capital for the Schiffswerft Germersheim GmbH im Konkurs are incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty, having been granted contrary to the procedural rules set out in Article 93 (3) and moreover cannot qualify for the exceptions in Article 92 (3) of the EEC Treaty.

Article 2

Germany shall abolish the aid referred to in Article 1 by recovering the aid element contained in the public guarantees on part of the company's financing, i.e. 10 % of the 90 % guarantee on the DM 1,8 million loan which is DM 162 000 and 10 % of the 95 % guarantee on the DM 20,7 million loan which is DM 1 966 500 and by ordering the withdrawal of such of those guarantees mentioned in Article 1 as are still operational.

Article 3

Germany shall inform the Commission within two months from the notification of this Decision of the

measures it has taken in order to redress the illegal situation described above.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 12 December 1990.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to 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

(Official Journal of the European Communities No L 147 of 12 June 1991)

Page 22, Article 5 (2) (b), first indent :

for: '— the lodging of the delivery security in accordance with Article 6 (2),'

read: '— the lodging of the delivery security in accordance with Article 6 (3),';

Page 25, Annex I, Part B (1), first indent :

for: '± 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 ;',

read: '± 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 3,0 cm on each face ;'.
