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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1976/91

of 5 July 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 1844/91⁽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 4 July 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 1844/91 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 6 July 1991.

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

Done at Brussels, 5 July 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 168, 29. 6. 1991, p. 1.

ANNEX

to the Commission Regulation of 5 July 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	126,49 ⁽²⁾ ⁽³⁾
0712 90 19	126,49 ⁽²⁾ ⁽³⁾
1001 10 10	159,28 ⁽¹⁾ ⁽³⁾
1001 10 90	159,28 ⁽¹⁾ ⁽³⁾
1001 90 91	150,59
1001 90 99	150,59
1002 00 00	133,14 ⁽⁶⁾
1003 00 10	134,55
1003 00 90	134,55
1004 00 10	112,01
1004 00 90	112,01
1005 10 90	126,49 ⁽²⁾ ⁽³⁾
1005 90 00	126,49 ⁽²⁾ ⁽³⁾
1007 00 90	135,81 ⁽⁴⁾
1008 10 00	25,91
1008 20 00	110,61 ⁽⁴⁾
1008 30 00	21,25 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	21,25
1101 00 00	223,83 ⁽⁸⁾
1102 10 00	199,40 ⁽⁸⁾
1103 11 10	259,88 ⁽⁸⁾
1103 11 90	241,74 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1977/91

of 5 July 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 1845/91⁽⁵⁾ and subsequent amending Regulation;

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 4 July 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 6 July 1991.

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

Done at Brussels, 5 July 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 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 5 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0,58	0,58	0,90
0712 90 19	0	0,58	0,58	0,90
1001 10 10	0	0	0	1,29
1001 10 90	0	0	0	1,29
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	0,58	0,58	0,90
1005 90 00	0	0,58	0,58	0,90
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 1978/91**of 5 July 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 1846/91 ⁽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 8 July 1991.

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

Done at Brussels, 5 July 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 168, 29. 6. 1991, p. 7.

ANNEX

to the Commission Regulation of 5 July 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	—	151,81	310,82
1006 10 23	204,98	133,05	273,31
1006 10 25	204,98	133,05	273,31
1006 10 27	204,98	133,05	273,31
1006 10 92	—	151,81	310,82
1006 10 94	204,98	133,05	273,31
1006 10 96	204,98	133,05	273,31
1006 10 98	204,98	133,05	273,31
1006 20 11	—	190,66	388,52
1006 20 13	256,23	167,22	341,64
1006 20 15	256,23	167,22	341,64
1006 20 17	256,23	167,22	341,64
1006 20 92	—	190,66	388,52
1006 20 94	256,23	167,22	341,64
1006 20 96	256,23	167,22	341,64
1006 20 98	256,23	167,22	341,64
1006 30 21	—	235,62	495,10 (⁽⁵⁾)
1006 30 23	425,46 (⁽⁵⁾)	271,75	567,28 (⁽⁵⁾)
1006 30 25	425,46 (⁽⁵⁾)	271,75	567,28 (⁽⁵⁾)
1006 30 27	425,46 (⁽⁵⁾)	271,75	567,28 (⁽⁵⁾)
1006 30 42	—	235,62	495,10 (⁽⁵⁾)
1006 30 44	425,46 (⁽⁵⁾)	271,75	567,28 (⁽⁵⁾)
1006 30 46	425,46 (⁽⁵⁾)	271,75	567,28 (⁽⁵⁾)
1006 30 48	425,46 (⁽⁵⁾)	271,75	567,28 (⁽⁵⁾)
1006 30 61	—	251,29	527,29 (⁽⁵⁾)
1006 30 63	456,10 (⁽⁵⁾)	291,71	608,13 (⁽⁵⁾)
1006 30 65	456,10 (⁽⁵⁾)	291,71	608,13 (⁽⁵⁾)
1006 30 67	456,10 (⁽⁵⁾)	291,71	608,13 (⁽⁵⁾)
1006 30 92	—	251,29	527,29 (⁽⁵⁾)
1006 30 94	456,10 (⁽⁵⁾)	291,71	608,13 (⁽⁵⁾)
1006 30 96	456,10 (⁽⁵⁾)	291,71	608,13 (⁽⁵⁾)
1006 30 98	456,10 (⁽⁵⁾)	291,71	608,13 (⁽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 1979/91**of 5 July 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 1847/91 ⁽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 8 July 1991.

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

Done at Brussels, 5 July 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 168, 29. 6. 1991, p. 9.

ANNEX

to the Commission Regulation of 5 July 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 7	1st period 8	2nd period 9	3rd period 10
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 1980/91

of 4 July 1991

on the issuing of a standing invitation to tender for the resale on the internal market of 40 000 tonnes of rice held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 5 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1424/76 of 21 June 1976 laying down general rules for intervention on the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 794/91 ⁽⁴⁾, provides that rice held by the intervention agency is to be sold by tender;

Whereas Commission Regulation (EEC) No 75/91 ⁽⁵⁾ lays down the procedure and conditions for the disposal of rice held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 40 000 tonnes of rice held by the Italian intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 40 000 tonnes of rice held by it in accordance with Regulation (EEC) No 75/91.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 18 July 1991.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 26 September 1991.

3. Tenders must be lodged with the Italian intervention agency:

Ente Nazionale Risi (ENR),
Piazza Pio XI 1,
I-20123 Milano,
(telex: 334032 — tel. 87 41 53).

Article 3

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

Article 4

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

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

Done at Brussels, 4 July 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 166, 25. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 82, 28. 3. 1991, p. 5.

⁽⁵⁾ OJ No L 9, 12. 1. 1991, p. 15.

COMMISSION REGULATION (EEC) No 1981/91
of 5 July 1991

amending Regulation (EEC) No 1204/91 increasing to 150 000 tonnes the quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 1204/91 ⁽⁵⁾, as amended by Regulation (EEC) No 1783/91 ⁽⁶⁾, opened a standing invitation to tender for the export of 50 000 tonnes of barley held by the French intervention agency; whereas, in a communication of 27 June 1991, France informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 150 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1204/91 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1204/91 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 150 000 tonnes of barley to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 31 August 1991.

2. The regions in which the 150 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1204/91 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 5 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 8.

⁽⁵⁾ OJ No L 116, 9. 5. 1991, p. 25.

⁽⁶⁾ OJ No L 160, 25. 6. 1991, p. 10.

ANNEX

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	11 000
Bordeaux	5 500
Châlons-sur-Marne	22 000
Dijon	7 000
Lille	4 000
Nancy	15 000
Orléans	43 000
Paris	16 000
Poitiers	16 500
Rouen	10 000'

COMMISSION REGULATION (EEC) No 1982/91

of 5 July 1991

amending Regulation (EEC) No 1151/91 increasing to 972 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 1151/91 ⁽⁵⁾, as last amended by Regulation (EEC) No 1917/91 ⁽⁶⁾, opened a standing invitation to tender for the export of 572 000 tonnes of bread-making wheat held by the French intervention agency; whereas, in a communication of 27 June 1991, France informed the Commission of the intention of its intervention agency to increase by 400 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 972 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quanti-

ties in store; whereas Annex I to Regulation (EEC) No 1151/91 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1151/91 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 972 000 tonnes of common wheat countries. Customs export formalities must be completed during the period 1 July to 31 August 1991.
2. The regions in which the 972 000 tonnes of common wheat of bread-making quality are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1151/91 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 5 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 8.
⁽⁵⁾ OJ No L 112, 4. 5. 1991, p. 42.
⁽⁶⁾ OJ No L 173, 2. 7. 1991, p. 8.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Amiens	62 500
Châlons-sur-Marne	141 000
Dijon	5 500
Lille	69 500
Montpellier	5 000
Nantes	40 000
Nancy	33 500
Orléans	270 000
Paris	200 000
Poitiers	30 000
Rouen	115 000

COMMISSION REGULATION (EEC) No 1983/91

of 4 July 1991

opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency

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

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 1720/91⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 629/86⁽⁵⁾, the Spanish intervention agency holds in stock large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁶⁾, as last amended by Regulation (EEC) No 3818/85⁽⁷⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in virgin olive oil where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity;

Whereas special time limits should be laid down for withdrawal of the olive oil to expedite its placing on the market;

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

The Spanish intervention agency 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'Senpa', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 8.

⁽⁶⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁷⁾ OJ No L 368, 31. 12. 1985, p. 20.

- 500 tonnes of ordinary olive oil,
- 3 000 tonnes of lampante virgin olive oil.

By way of derogation from Article 5 (2) of Regulation (EEC) No 2960/77, Senpa shall, where the quantity of oil in a container exceeds 500 tonnes, be authorized to establish several lots with part only of that oil.

Article 2

The invitation to tender shall be published on 9 July 1991.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Senpa, calle Beneficencia 8, Madrid 28004, Spain.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach Senpa, calle Beneficencia 8, Madrid 28004, Spain, not later than 2 p.m. (local time) on 22 July 1991. Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1990 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 500 tonnes.

Article 4

1. With regard to lampante virgin olive oil, tenders shall be submitted for an oil of 3° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

- up to 3° acidity:
 - increase of Pta 48,62 for each tenth of a degree of acidity below 3°,
- above 3° up to 5° acidity,
 - reduction of Pta 48,62 for each tenth of a degree of acidity above 3°,
- above 5° acidity,
 - additional reduction of Pta 53,17 for each tenth of a degree above 5°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, Senpa shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Senpa not later than the fifth working day after the date of notification of the decision referred to in Article 6.

Senpa shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Pta 3 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Pta 400 per 100 kilograms.

Article 10

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, 4 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1984/91**of 5 July 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⁾,
as last amended by Regulation (EEC) No 1922/91⁽⁴⁾,
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 1,10'
is hereby replaced by 'ECU 4,62'.

Article 2

This Regulation shall enter into force on 6 July 1991.

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

Done at Brussels, 5 July 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 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 83.

⁽⁴⁾ OJ No L 173, 2. 7. 1991, p. 14.

COMMISSION REGULATION (EEC) No 1985/91**of 5 July 1991****concerning applications for STM licences for cereals submitted on 1 July 1991
for imports of common wheat into Portugal**

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

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

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

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽²⁾, as last amended by Regulation (EEC) No 3296/88 ⁽³⁾, the Commission has been notified of applications received on 1 July 1991 for STM licences for imports of common wheat into Portugal which are

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences for common wheat falling within CN code 1001 90 99 which were submitted on 1 July 1991 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of 0,42307.

2. The issue of STM licences concerning imports of common wheat into Portugal for applications received from 2 to 31 July 1991 is hereby suspended.

Article 2

This Regulation shall enter into force on 6 July 1991.

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

Done at Brussels, 5 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 130, 25. 5. 1991, p. 31.

⁽²⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7.

COMMISSION REGULATION (EEC) No 1986/91

of 5 July 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 1849/91⁽³⁾, as last amended by Regulation (EEC) No 1971/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1849/91 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 4 July 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 6 July 1991.

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

Done at Brussels, 5 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 5. 7. 1991, p. 14.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 16.

⁽⁴⁾ OJ No L 175, 4. 7. 1991, p. 23.

⁽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 5 July 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,03 ⁽¹⁾
1701 11 90	34,03 ⁽¹⁾
1701 12 10	34,03 ⁽¹⁾
1701 12 90	34,03 ⁽¹⁾
1701 91 00	38,70
1701 99 10	38,70
1701 99 90	38,70 ⁽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 1987/91

of 5 July 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 1720/91⁽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 1842/91⁽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 1897/91⁽⁷⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1897/91 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⁽⁸⁾ shall be as set out in the Annexes hereto.

2. However, the amount of the aid for 1991/92 marketing year for colza, rape and sunflower seed shall be confirmed or replaced with effect from 6 July 1991 to take account of the consequences of the maximum guaranteed quantity arrangements for the 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 6 July 1991.

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

Done at Brussels, 5 July 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 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 172, 1. 7. 1991, p. 53.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 169, 29. 6. 1991, p. 16.

⁽⁸⁾ 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 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	13,677	16,383	16,452	14,900	14,411	14,649
— Portugal	20,687	23,393	23,462	21,910	21,421	21,659
— Other Member States	13,717	16,423	16,492	14,940	14,451	14,689
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	32,29	38,66	38,83	35,17	34,02	34,58
— Netherlands (Fl)	36,39	43,56	43,75	39,63	38,33	38,96
— BLEU (Bfrs/Lfrs)	666,05	797,44	800,79	725,43	701,69	713,24
— France (FF)	108,30	129,67	130,21	117,96	114,10	115,98
— Denmark (Dkr)	123,18	147,48	148,10	134,16	129,77	131,91
— Ireland (£ Irl)	12,054	14,432	14,493	13,129	12,699	12,908
— United Kingdom (£)	10,780	12,951	13,007	11,761	11,367	11,557
— Italy (Lit)	24 162	28 928	29 050	26 316	25 455	25 802
— Greece (Dr)	3 359,17	4 048,08	4 028,97	3 586,38	3 455,57	3 392,08
— Spain (Pta)	2 123,21	2 522,64	2 532,83	2 302,27	2 230,81	2 254,64
— Portugal (Esc)	4 373,50	4 927,61	4 927,76	4 592,37	4 491,22	4 504,99

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	14,927	17,633	17,702	16,150	15,661	15,899
— Portugal	21,937	24,643	24,712	23,160	22,671	22,909
— Other Member States	14,967	17,673	17,742	16,190	15,701	15,939
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	35,24	41,61	41,77	38,11	36,96	37,52
— Netherlands (Fl)	39,70	46,88	47,06	42,94	41,65	42,28
— BLEU (Bfrs/Lfrs)	726,74	858,14	861,49	786,13	762,38	773,94
— France (FF)	118,17	139,54	140,08	127,83	123,97	125,85
— Denmark (Dkr)	134,40	158,70	159,32	145,38	140,99	143,13
— Ireland (£ Irl)	13,153	15,531	15,591	14,227	13,798	14,007
— United Kingdom (£)	11,774	13,946	14,001	12,756	12,362	12,551
— Italy (Lit)	26 364	31 130	31 252	28 518	27 657	28 004
— Greece (Dr)	3 674,32	4 363,23	4 344,12	3 901,53	3 770,72	3 707,23
— Spain (Pta)	2 311,75	2 711,18	2 721,36	2 490,81	2 419,35	2 443,17
— Portugal (Esc)	4 634,35	5 188,46	5 188,61	4 853,21	4 752,06	4 765,84

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements applied for the 1990/91 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 7	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)
1. Gross aids (ECU):					
— Spain	25,580	25,227	25,665	24,686	25,017
— Portugal	34,603	32,422	32,852	31,890	32,221
— Other Member States	22,363	20,182	20,612	19,650	19,981
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	52,65	47,51	48,52	46,26	47,04
— Netherlands (Fl)	59,32	53,53	54,67	52,12	53,00
— BLEU (Bfrs/Lfrs)	1 085,86	979,96	1 000,84	954,13	970,20
— France (FF)	176,57	159,35	162,74	155,15	157,76
— Denmark (Dkr)	200,82	181,23	185,09	176,45	179,43
— Ireland (£ Irl)	19,652	17,735	18,113	17,268	17,559
— United Kingdom (£)	16,984	15,920	16,265	15,493	15,757
— Italy (Lit)	39 391	35 550	36 307	34 612	35 196
— Greece (Dr)	4 305,62	4 978,13	5 045,88	4 752,14	4 836,03
— Portugal (Esc)	7 278,27	6 818,99	6 891,49	6 676,70	6 745,72
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 015,12	3 865,66	3 930,31	3 784,05	3 833,84
— in another Member State (Pta)	4 086,46	3 934,24	3 997,71	3 854,13	3 903,92

(1) Amount fixed provisionally, pending and subject to the application of the maximum guaranteed quantity arrangements for the 1991/92 marketing year, conforming to the adjustment resulting from the maximum guaranteed quantity arrangements 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 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
DM	2,053510	2,051720	2,050220	2,048940	2,048940	2,045850
Fl	2,314200	2,312390	2,310910	2,309460	2,309460	2,305570
Bfrs/Lfrs	42,314100	42,281100	42,252000	42,224800	42,224800	42,146200
FF	6,957960	6,956640	6,955030	6,953620	6,953620	6,947120
Dkr	7,930570	7,925130	7,921860	7,918600	7,918600	7,909160
£Irl	0,768235	0,768247	0,768146	0,768248	0,768248	0,767753
£	0,699779	0,700605	0,701187	0,701619	0,701619	0,702308
Lit	1 528,69	1 530,36	1 531,89	1 533,49	1 533,49	1 539,74
Dr	225,01900	226,57000	228,63400	230,60900	230,60900	236,64800
Esc	179,22200	180,23000	181,03100	181,79700	181,79700	183,57500
Pta	128,72200	128,99200	129,23500	129,43700	129,43700	130,00200

COMMISSION REGULATION (EEC) No 1988/91**of 5 July 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 (8) 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 1774/91 ⁽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

Annexes I and II to Regulation (EEC) No 1627/89 are hereby replaced by Annexes I and II hereto.

Article 2

This Regulation shall enter into force on 9 July 1991.

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

Done at Brussels, 5 July 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 158, 22. 6. 1991, p. 63.

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

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 2 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 2

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 2 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 2

Member States or regions of a Member State and quality groups referred to in Article 1 (2)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er}, paragraphe 2

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 2

In artikel 1, lid 2 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 2 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
Deutschland	x	x				

COMMISSION REGULATION (EEC) No 1989/91

of 5 July 1991

on imports of preserved cultivated mushrooms from 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 1796/81 of 30 June 1981 on measures applicable to imports of preserved cultivated mushrooms⁽¹⁾, and in particular Article 6 thereof,

Whereas Article 3 of Regulation (EEC) No 1796/81 lays down that the quantity which may be imported free from the additional amount must be allocated among the supplier countries, account being taken of traditional trade flows and of new suppliers;

Whereas Article 3 (3) of Commission Regulation (EEC) No 1707/90 of 22 June 1990 laying down detailed rules for the application of Regulation (EEC) No 1796/81⁽²⁾, as amended by Regulation (EEC) No 3718/90⁽³⁾, allocated the quantity which may be imported free from the additional amount among the supplier countries; whereas Article 3 (1) of the said Regulation provides for the possibility of reviewing the allocation on the basis of the certificates issued during the first six months of the year in question; whereas the supply situation as revealed by

certificates issued at 30 June 1991 would justify a new allocation of the quantity concerned for the current year;

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

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 December 1991, the allocation of the overall quantity laid down in Article 3 of Regulation (EEC) No 1796/81 and set out in Annex I to Regulation (EEC) No 1707/90 shall be adjusted in accordance with the Annex hereto.

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, 5 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 198, 4. 7. 1981, p. 1.

⁽²⁾ OJ No L 158, 23. 6. 1990, p. 34.

⁽³⁾ OJ No L 358, 21. 12. 1990, p. 51.

ANNEX

<i>(tonnes)</i>	
Supplier country	Quantity
The People's Republic of China	28 230
The Republic of Korea	400
The Republic of China (Taiwan)	1 900
Hong Kong	150
Others	1 795
Reserve	2 275

COMMISSION REGULATION (EEC) No 1990/91

of 5 July 1991

on the issuing of import licences for preserved cultivated mushrooms
originating in China

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

Having regard to Council Regulation (EEC) No 1796/81
of 30 June 1981 on measures applicable to imports of
preserved cultivated mushrooms⁽¹⁾,

Having regard to Commission Regulation (EEC) No
1707/90 of 22 June 1990 laying down detailed rules for
the application of Regulation (EEC) No 1796/81 on
imports of preserved cultivated mushrooms from third
countries⁽²⁾, as amended by Regulation (EEC) No
3718/90⁽³⁾, and in particular Article 5 (4) thereof,

Whereas Commission Regulation (EEC) No 1989/91⁽⁴⁾
adjusted, until 31 December 1991, the allocation of the
global quantity fixed by Article 3 of Regulation (EEC) No
1796/81;

Whereas Article 5 (4) of Regulation (EEC) No 1707/90
provides that if the quantities for which licences have
been applied for exceed the balance available for a
supplier country after the reserve has been used the
Commission is to fix a single percentage figure by which
the quantities applied for are to be reduced;

Whereas quantities of cultivated preserved mushrooms
originating in China and applied for on 1 and 2 July
1991 exceed the quantities available; whereas the extent
to which licences may be issued may accordingly be
determined;

Whereas the quantities for which licences have been
issued have reached the annual amount granted to China;
whereas the issuing of licences qualifying for the exemp-
tion from the additional amount provided for in Article 2
of Regulation (EEC) No 1796/81 should accordingly be
suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for preserved cultivated mushrooms
falling within CN code 2003 10 10 originating in China,
applied for on 1 and 2 July 1991 and forwarded to the
Commission on 3 July 1991 shall be issued, the endorse-
ment laid down in Article 7 of Regulation (EEC) No
1707/90 being indicated, for up to 92,4 % of the quantity
applied for.

The issuing of licences for the products referred to in the
first paragraph which may qualify for exemption from the
additional amount provided for in Article 2 of Regulation
(EEC) No 1796/81 is hereby suspended for applications
lodged from 3 July 1991.

Article 2

This Regulation shall enter into force on 8 July 1991.

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

Done at Brussels, 5 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 183, 4. 7. 1981, p. 1.

⁽²⁾ OJ No L 158, 23. 6. 1990, p. 34.

⁽³⁾ OJ No L 358, 21. 12. 1990, p. 51.

⁽⁴⁾ See page 26 of this Official Journal.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 June 1991

amending Directive 77/143/EEC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers

(91/328/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

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

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

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

Whereas the Council and the Representatives of the Governments of the Member States of the European Communities, meeting within the Council, adopted a resolution on road safety on 19 December 1984 ⁽⁴⁾;

Whereas Council Directive 77/143/EEC ⁽⁵⁾ provides for the regular roadworthiness testing of certain road vehicles only (buses, coaches, heavy goods vehicles, trailers and semi-trailers over 3,5 tonnes, taxis and ambulances);

Whereas Directive 88/449/EEC ⁽⁶⁾ extended roadworthiness testing to motor vehicles normally used for the road carriage of goods and with a maximum permissible weight not exceeding 3 500 kilograms (light goods vehicles), excluding agricultural tractors and machinery,

and supplemented for such vehicles the obligatory items to be tested under Annex II to Directive 77/143/EEC;

Whereas, in order to finalize Community harmonization of rules governing roadworthiness testing, it is desirable to extend roadworthiness testing to private cars;

Whereas the present systems of testing private cars, where they exist, differ widely; whereas it is appropriate not only to require testing but also to harmonize as far as possible the frequency of tests and the items for which testing is compulsory;

Whereas the date of application set for the measures referred to in this Directive should allow time for the technical and administrative arrangements required for carrying out the tests to be set up or strengthened, particularly in those Member States where no provision for the tests yet exists,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/143/EEC is hereby amended as follows:

1. the following paragraph shall be added to Article 7:

'3. With regard to the vehicles referred to in point 6 of Annex I, paragraph 1 shall apply until 1 January 1994.

However, in Member States where there is no system of regular roadworthiness testing comparable to that intended by this Directive for this category of vehicles as at 31 December 1991, paragraph 1 shall apply until 1 January 1998.'

⁽¹⁾ OJ No C 133, 31. 5. 1986, p. 3.

⁽²⁾ OJ No C 76, 23. 3. 1987, p. 194.

⁽³⁾ OJ No C 333, 29. 12. 1986, p. 7.

⁽⁴⁾ OJ No C 341, 21. 12. 1984, p. 1.

⁽⁵⁾ OJ No L 47, 18. 2. 1977, p. 47.

⁽⁶⁾ OJ No L 222, 12. 8. 1988, p. 10.

2. the following point shall be added to Annex I:

- | | |
|--|---|
| '6. Motor vehicles used for the road carriage of passengers and with not more than eight seats excluding the driver's seat | Four years after the date on which the vehicle was first registered, and thereafter every two years.' ; |
|--|---|

3. in Annex II, the heading over the right-hand column shall be replaced by the following: 'VEHICLES IN CATEGORIES 5 AND 6'.

Article 2

1. Member States shall, after consulting the Commission, adopt the laws, regulations and administrative provisions necessary to comply with this Directive not later than two years after its notification⁽¹⁾.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of

their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall inform the Commission of the measures which they have taken to comply with this Directive.

Article 3

The Commission shall, no later than 31 December 1998, submit a report to the Council on the implementation of this Directive, accompanied by any proposal necessary, with particular reference to the frequency and content of tests.

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 21 June 1991.

For the Council

The President

R. GOEBBELS

⁽¹⁾ This Directive was notified to Member States on 1 July 1991.

COMMISSION

COMMISSION DECISION

of 30 April 1991

relating to a proceeding under Article 85 of the EEC Treaty

(IV/33.473 — Scottish Nuclear, Nuclear Energy Agreement)

(Only the English text is authentic)

(91/329/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 6 and 8 thereof,

Having regard to the notification dated 27 February 1990 by Scottish Nuclear Limited, concerning the Nuclear Energy Agreement drawn up in the context of the reorganization of the electricity industry in Scotland,

Having regard to the summary of the notification ⁽²⁾ published pursuant to Article 19 (3) of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. FACTS

A. The notification

- (1) On 27 February 1990, Scottish Nuclear Limited notified to the Commission, pursuant to Article 4 of Regulation No 17, an agreement between itself and Scottish Power plc and Scottish Hydro-Electric plc.
- (2) Scottish Nuclear Limited has applied for negative clearance or, failing that, exemption pursuant to Article 85 (3) of the EEC Treaty.

B. General framework

- (3) Until 31 March 1990 Scotland's electricity requirements were met by two publicly-owned corporations, North of Scotland Hydro-Electric Board and

South of Scotland Electricity Board, which generated, transmitted and distributed electricity in their assigned geographical areas, covering the north and south of Scotland respectively.

- (4) In reorganizing the industry in advance of privatization, the United Kingdom Government decided to maintain vertical integration in the Scottish electricity industry, 'since it is better suited for the supply of electricity to sparsely-populated areas which are characteristic of many areas of Scotland.
- (5) The United Kingdom Government has therefore decided to create two separate, independent and competing vertically-integrated electricity utility companies from the two Boards. Scottish Power plc ('Scottish Power') has taken over the non-nuclear business of the South of Scotland Electricity Board and Scottish Hydro-Electric plc ('Hydro-Electric') the business of the North of Scotland Hydro-Electric Board. Both companies will be privatized. The Scottish nuclear stations at Hunterston and Torness which previously were owned by the South of Scotland Electricity Board are now owned and operated by a separately established generating company, Scottish Nuclear Ltd ('Scottish Nuclear') which will remain in public ownership. Scottish Nuclear does not supply direct to customers, selling all its output under contract to Scottish Power and Hydro-Electric.
- (6) The Electricity Act 1989 and subordinate legislation made thereunder set out the framework for the new regulatory system for the electricity industry in Scotland. Under this Act any undertaking generating, transmitting or supplying electricity in Scotland needs a licence issued by the Secretary of State for Scotland or the Director-General for Electricity Supply, unless exempted by order under the Act. Scottish Power and Hydro-Electric are each by licence obliged and entitled to transmit and supply electricity to customers within their authorized areas. These areas are essentially the same as those of the former Boards. Both utilities are entitled to generate electricity themselves. There is no restric-

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 245, 29. 9. 1990, p. 11.

tion on the proportion of its electricity requirements which either utility can meet from its own generation resources.

- (7) The right of the two companies to supply customers within their authorized areas is however not exclusive; premises having a demand above 1 MW are free to choose their supplier; after four years this threshold will be reduced to 0,1 MW and after eight years totally phased out.
- (8) It is possible for Scottish Power and Hydro-Electric, on receipt of the appropriate 'second-tier licences' to supply to those customers in each other's authorized area or their supplier (as described above). The opportunity to apply for such 'second tier licences' is available to any person in the United Kingdom or the rest of the Community wishing to supply electricity to customers in Scotland. It should be noted that Scottish Nuclear has been granted a generation licence only.
- (9) The licences place obligations on Scottish Power and Hydro-Electric not to discriminate between comparable customers, to avoid cross-subsidies and to allow all other users access to their transmission and distribution systems on a transparent and non-discriminatory basis.
- (10) Furthermore the licences oblige the licence holders to comply with certain codes and agreements which have been approved by the Director-General of Electricity Supply, including codes governing the operation of the transmission and distribution systems and the trading of electricity.
- (11) In the view of the United Kingdom Government it is essential for Scottish Power and Hydro-Electric to have access to a balanced mix of different types of generating capacity in order to be financially viable and capable of independent operation. Therefore the non-nuclear generating assets of the two former Boards, which had been built to meet Scotland's requirements in their entirety, had to be redistributed between the new companies. This could not be achieved by simply allocating the different power stations to one or the other utility, since the nature and location of the generating assets rendered this impractical. The United Kingdom Government therefore decided that the necessary restructuring should be achieved by means of contractual arrangements which create

rights and obligations between the two utilities in relation to certain of the generating assets and transmission systems of each, effectively replacing ownership of these assets with long-term contractual entitlements the duration of which corresponds to the currently expected lifetime of the power stations concerned. These contractual arrangements replace the former loose non-commercial agreements between the two Boards on cost-sharing and operational matters. The principal contracts between Scottish Power and Hydro-Electric concern the sharing of coal-fired plant capacity, hydro capacity and gas/oil-fired capacity. Furthermore, Scottish Power and Hydro-Electric divide between them the total output of Scottish Nuclear at present.

- (12) The new structure of the electricity industry in Scotland is designed to introduce competition progressively both at the level of electricity generation and at the level of electricity supply. At present the electricity sector in Scotland has substantial overcapacity in electricity generation, which on present estimates is likely to continue at least for the next ten years, and a high concentration of nuclear generation capable of meeting over 50 % of current Scottish electricity demand. Trading with England and Wales is possible through the interconnector which links the transmission grids in Scotland and England.

C. The product and the market

- (13) The relevant product market is that of the production, supply and distribution of electricity.
- (14) Total electricity generation in the United Kingdom reached 312 Twh⁽¹⁾ in 1989, total net production 292 Twh and total imports 12,9 million Kwh (0,013 Twh). Exports reached 0,8 million Kwh.
- (15) The energy sources are conventional thermal production (71,6 %), nuclear production (21,7 %) and hydroelectrical production (2,2 %).
- (16) Generating capacity in England and Wales reached 56,679 GW⁽²⁾ on 31 March 1990. Coal is the most important fuel source (62,8 %), followed by oil (17,7 %) and then nuclear (14,7 %).

⁽¹⁾ 1 Twh = 10³ Gwh = 10⁶ Mwh (output capacity).

⁽²⁾ 1 Twh = 10³ Gwh = 10⁶ Mwh (electricity output).

- (17) Generating capacity in Scotland reached 11,640 GW on 1 April 1989 and the electricity sent out in the year up to 31 March 1989 reached 29,3 Twh. Nuclear power stations are the most significant source of electricity in Scotland (13 Twh, 44 %), followed by coal fired stations (30 %), hydro (14 %) and then gas oil (10 %).

- (18) The turnover relative to the production and supply of electricity for the financial year ended 31 March 1989 was £ 11,284 million, 90 % of sales being in England and Wales and 10 % in Scotland.

D. The agreement

- (19) Under the terms of the Nuclear Energy Agreement, Scottish Power and Hydro-Electric are obliged to purchase all the electricity generated by Scottish Nuclear from its Hunterston and Torness plant on a take or pay basis. Scottish Nuclear is obliged to try to produce maximum output from these two nuclear power stations which have together a capacity of 2 400 MW. Scottish Power will have to take 74,9 % of Scottish Nuclear's output and Hydro-Electric 25,1 %. Scottish Nuclear is not permitted to supply electricity to any other party without the consent of both Scottish Power and Hydro-Electric. Scottish Nuclear Ltd cannot supply power except for Scottish Power and Hydro-Electric unless the contract has been terminated.

- (20) Because of the existing overcapacity in electricity production in Scotland and in particular nuclear electricity there is no present intention for there to be a non-fossil fuel obligation in Scotland nor a corresponding fossil fuel levy. This non-fossil fuel obligation was imposed in England and Wales by the British Government in order to favour nuclear electricity and renewable electricity.

- (21) The agreement contains provisions for the calculation of the prices to be paid to Scottish Nuclear by Scottish Power and Hydro-Electric. From 1991 to 1994 the price is fixed on the basis of a two-tier structure; a base price per kilowatt hour for the first tranche of 5 000 Gwh and a lower set price for units in excess of 5 000 Gwh, this lower price being

similar to the cost of replacement energy to the purchasers (¹).

- (22) The companies are obliged to pay against availability even if they do not take energy, but Scottish Power and Hydro-Electric can request Scottish Nuclear to reduce their individual share of generation.

- (23) Scottish Nuclear is required to declare availability one day in advance. If it fails to achieve the declared level, it pays compensation in addition to the loss of revenue resulting from lower availability.

- (24) The actual two-tier price arrangement in the Nuclear Energy Agreement was set in 1990, and combines an energy charge of 1,5p/kWh with a payment recognizing the value of Scottish Nuclear's baseload capacity, of 4,5p/kWh spread over the first 5 000 units of Scottish Nuclear's output per annum. The basis and level of the prices which Scottish Power and Hydro-Electric have been paying to independent producers of electricity pre-date by several years the reorganization of the electricity industry in Scotland, and have not been affected by it. According to the affirmation of the notifying parties, there is no link at all between the respective methodologies.

- (25) The Nuclear Energy Agreement will remain in force until 31 March 2005 although it may be terminated earlier if, for example, Scottish Nuclear consistently fails to meet production requirements.

E. The arguments of the parties to the agreement

- (26) The Nuclear Energy Agreement promotes economic progress as it is part of the United Kingdom Government's proposals for the privatization of the electricity industry in Scotland which aims at promoting competition and efficiency within the energy supply market within the United Kingdom.

(¹) This point has already been examined within the framework of the decision on state aid to the electricity sector in Scotland (30 March 1990). The Commission decided not to raise any objections against the proposed aid for the reorganization of the production of nuclear electricity.

- (27) There will remain competition between Scottish Power and Hydro-Electric and with other types of fuel. Accordingly the parties do not consider that their arrangements eliminate competition in respect of a substantial part of the goods in question. The price at which Scottish Power and Hydro-Electric can resell the electricity purchased from Scottish Nuclear is not fixed in terms of the Nuclear Energy Agreement.

II. LEGAL ASSESSMENT

A. Article 85 (1)

1. *Agreement between undertakings*

- (28) The Nuclear Energy Agreement is an agreement between undertakings within the meaning of Article 85 (1) of the EEC Treaty.

2. *Restrictions of competition*

- (29) The agreement restricts competition in three ways :

- the requirement that nuclear electricity be sold exclusively to Scottish Power and Hydro-Electric limits Scottish Nuclear's market. Scottish Nuclear is not permitted to supply electricity to any other parties unless the contract has been terminated. If the contract has been terminated, Scottish Nuclear can sell electricity only to other parties not situated in the same geographical area as the purchaser in respect of which the contract is still in force,
- the requirement that Scottish Power and Hydro-Electric purchase, on the basis of quotas arranged between them, all the nuclear electricity generated restricts the two companies' sources of supply, with Scottish Power having to purchase 74,9 % of Scottish Nuclear's output and Hydro-Electric 25,1 %. Since they may not deviate from the quotas, they are unable to gain any competitive advantage one over the other,
- the price at which nuclear electricity is purchased is fixed under the agreement and is identical for the two companies. The fact that, from 1995 to 1998, the price will be based on the terms of the agreement and on alignment with the market price in England and Wales

and that, after 1998, it will be entirely aligned on the market price indicates that the present price derives from a restrictive agreement.

3. *Restriction of trade between Member States*

- (30) Intra-Community trade is confined to that between the United Kingdom and France via the interconnector linking the French grid to the grid in England and Wales. Its capacity is 2 GW, equivalent to 4 % of the electricity output of England and Wales. During the last three years, the net flow of trade was from France to England and Wales, amounting to 12,9 Twh in 1988 and 13,6 Twh in 1989.

- (31) However, the reorganization of electricity generation in Scotland and the prospect of a medium-term increase in the transmission capacity of the interconnector (net capacity of 850 MW in 1991, planned increase to 1 600 MW in three to four years) will help to reduce the relative isolation of the Scottish market, to create greater interdependence between the markets and to increase trade between Member States. Because of the interdependence of the networks, on the one hand between Scotland and England and on the other hand between England and France, and also because of the proposed development of these interconnections, the agreement is therefore likely to affect trade between Member States.

B. Article 85 (3)

- (32) The Nuclear Energy Agreement, covering a 15-year period from 27 February 1990 to 31 March 2005, meets the necessary conditions for exemption under Article 85 (3) of the Treaty.

1. *Improving the production or distribution of goods*

- (33) The Nuclear Energy Agreement forms an integral part of the electricity privatization scheme in Scotland, the aim of which is to improve the generation and distribution of electricity. It gives Scottish Nuclear a guaranteed market by requiring Scottish Power and Hydro-Electric to purchase all the nuclear-generated electricity on a take or pay basis. It thus allows the long-term planning that is required for reliable production ensuring security of supply and an independent energy supply market.

Furthermore in order to ensure the profitability of the nuclear power stations and to offset the investment costs which are particularly high, it is necessary to have the stations functioning at their full capacity.

- (34) Because their marginal cost is much lower than the marginal cost per KW generated by a thermal power station (between 0,55 and 0,75 p per unit in the case of nuclear generation and 0,97 p in the case of gas, 1,7 p in the case of coal and 1,55 p in the case of oil), it is economical to have the nuclear power stations operating at maximum capacity. Consequently, the agreement allows considerable economies of scale to be achieved by increasing nuclear generation and thus makes it possible to rely less on generators whose generation and transmission costs are higher.

- (35) So as to induce Scottish Nuclear to maximize its output, the price at which electricity is sold to Scottish Power and Hydro-Electric has been fixed, under the agreement, for the initial four years, in such a way that the first-tier price for the first tranche of 5 000 Gwh allows a satisfactory rate of return on the capital invested. The second-tier price is set in terms of the full costs resulting from the operation of a coal-fired power station, which is equivalent to the marginal cost of the electricity generated by the Scottish system.

- (36) The improvement in the generation and distribution of electricity in Scotland which the agreement will help to achieve will allow overcapacity to be gradually eliminated. Measures to organize generation and the market, limited in time, are necessary in order to allow transition from the structure which has applied hitherto to a market-based electricity industry.

2. *Fair share of the resulting benefit for consumers*

- (37) The Nuclear Energy Agreement forms part of the reorganization of a system which has hitherto been monopolistic. The benefit to consumers, both industrial and private, derives from the gradual introduction of competition into the system. It is notable that premises whose demand exceeds 1

MW are already free to choose their supplier; after four years this threshold will be reduced to 0,1 MW and after eight years totally phased out.

3. *Need for the restrictions*

- (38) Competition between Scottish Power and Hydro-Electric under the privatization of electricity in Scotland is not restricted by the agreement beyond what is necessary. Although the two companies are obliged to purchase nuclear-generated electricity at the same price, the agreement will gradually allow them to compete in their relations with their customers.

- (39) The quotas which have been fixed between Scottish Power and Hydro-Electric for the purchase of nuclear electricity output do not reflect the market share of both companies as each company is free to determine individually their output and meet their demand.

- (40) The agreement, which was originally to apply for a period equivalent to the remaining lifetime of the nuclear power stations, i.e. 30 years, has, at the Commission's request, been limited to 15 years. This period of validity provides the stability and guarantee necessary for long-term planning and allows the necessary adjustments to be made to the new situation after a reasonable start-up period. However, this period seems necessary to allow Scottish Nuclear to attain full profitability and become competitive.

- (41) The price set in the agreement is independent of the price at which Scottish Power and Hydro-Electric purchase electricity from the other generators, particularly the independent generators.

The formula used for the first four years and taken as a basis for setting prices for the following four years is considered to be an internal calculation formula which does not in any way prejudice the setting of the price at which electricity is purchased from independent generators. The price set in the agreement should not, in particular, be improperly used to justify a very low purchase price that would dissuade independent generators and Scottish Nuclear's competitors. This could be deemed to be an abuse of the exemption.

4. No elimination of competition

- (42) The agreement introduces a system of gradual competitiveness into the electricity industry and creates scope for competition between Scottish Power and Hydro-Electric. In addition, the market in the generation of electricity, except nuclear-generated electricity, remains sufficiently open for the agreement not to create any barriers to entry. Nuclear-powered generation plays and will continue to play a important role, but there are real alternative sources of supply.

C. Articles 6 and 8 of Regulation No 17

- (43) Pursuant to Article 6 (1) of Regulation No 17, this Decision will take effect as from the date of the notification, i.e., 27 February 1990. Exemption is granted, pursuant to Article 8 (1) of Regulation No 17, for the period of the validity of the agreement, reduced at the Commission's request from 30 to 15 years, i.e., from 27 February 1990 to 31 March 2005, the expiry date for the present agreement,

the period between 27 February 1990 and 31 March 2005, to the Nuclear Energy Agreement concluded between Scottish Nuclear Ltd and Scottish Power plc and Scottish Hydro-Electric plc.

Article 2

This Decision is addressed to :

- Scottish Nuclear Limited
Incorporated in Scotland No SC117121
Cathcart House
Spean Street
UK-Glasgow G44 4BE
- Scottish Power plc
Incorporated in Scotland No SC117120
Cathcart House
Spean Street
UK-Glasgow G44 4BE
- Scottish Hydro-Electric plc
Incorporated in Scotland No 117119
16 Rothesay Terrace
UK-Edinburgh EH3 7SE.

HAS ADOPTED THIS DECISION :

Done at Brussels, 30 April 1991.

Article 1

Pursuant to Article 85 (3) of the EEC Treaty, the provisions of Article 85 (1) are hereby declared inapplicable, for

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 3 June 1991

determining the arrangements for defraying the measures for vaccination
against African horse sickness in Portugal

(Only the Portuguese text is authentic)

(91/330/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Decision 90/424/EEC of 26
June 1990 on expenditure in the veterinary field⁽¹⁾ and in
particular Article 43 (1) thereof,

Whereas cases of African horse sickness have been occur-
ring in Portugal from September 1989 onwards; whereas
recourse to vaccination against African horse sickness by
the Portuguese authorities must be considered as a neces-
sary means of combating this disease;

Whereas, in the circumstances, the Community should
make a financial contribution to the vaccination measures
carried out by the Portuguese authorities;

Whereas under the arrangements introduced by Decision
90/424/EEC and in particular the second subparagraph of
Article 43 (1) thereof, the Community's financial contri-
bution must be limited to the vaccination operations
carried out between 1 September 1989 and 30 November
1990;

Whereas the Portuguese authorities should send to the
Commission full details relating to the vaccination opera-
tions during the period in question;

Whereas it seems reasonable for the Community to bear
100 % of the cost of supply of the vaccine and 50 % of
the costs incurred in carrying out the vaccination;

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

HAS ADOPTED THIS DECISION:

Article 1

Portugal may obtain a financial contribution from the
Community for the vaccination measures against African
horse sickness carried out between 1 September 1989 and
30 November 1990.

Article 2

Portugal shall send to the Commission full details relating
to the vaccination operations carried out between 1

September 1989 and 30 November 1990 and in parti-
cular:

- rules governing the vaccination programme,
- the national and regional authorities responsible for
its implementation,
- the rules to counter the risk of the spread of the
disease,
- the measures taken in particular as regards identifica-
tion and registration of holdings with a view to ensur-
ing that all the equidae have in fact been vaccinated.

Article 3

The financial contribution by the Community is hereby
fixed at:

- 100 % of the costs incurred by Portugal for the supply
of vaccine,
- 50 % of the costs incurred by Portugal in carrying out
the vaccination in question.

Article 4

1. The Community's financial contribution shall be
granted after:

- the Commission has received the information referred
to in Article 2,
- the supporting documents have been supplied.

2. The elements referred to in paragraph 1 shall be
sent by Portugal no later than six months from the notifi-
cation of this Decision.

Article 5

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 3 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

COMMISSION DECISION

of 3 June 1991

determining the arrangements for defraying the measures for vaccination
against African horse sickness in Spain

(Only the Spanish text is authentic)

(91/331/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Decision 90/424/EEC of 26
June 1990 on expenditure in the veterinary field ⁽¹⁾ and in
particular Article 43 (1) thereof,

Whereas cases of African horse sickness have been occur-
ring in Spain from September 1989 onwards; whereas
recourse to vaccination against African horse sickness by
the Spanish authorities must be considered as a necessary
means of combating this disease;

Whereas, in the circumstances, the Community should
make a financial contribution to the vaccination measures
carried out by the Spanish authorities;

Whereas under the arrangements introduced by Decision
90/424/EEC and in particular the second subparagraph of
Article 43 (1) thereof, the Community's financial contri-
bution must be limited to the vaccination operations
carried out between 1 September 1989 and 31 August
1990;

Whereas the Spanish authorities should send to the
Commission full details relating to the vaccination opera-
tions during the period in question;

Whereas it seems reasonable for the Community to bear
100 % of the cost of supply of the vaccine and 50 % of
the costs incurred in carrying out the vaccination;

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

HAS ADOPTED THIS DECISION:

Article 1

Spain may obtain a financial contribution from the
Community for the vaccination measures against African
horse sickness carried out between 1 September 1989 and
31 August 1990.

Article 2

Spain shall send to the Commission full details relating to
the vaccination operations carried out between 1
September 1989 and 31 August 1990 and in particular:

- rules governing the vaccination programme,
- the national and regional authorities responsible for
its implementation,
- the rules to counter the risk of the spread of the
disease,
- the measures taken in particular as regards identifica-
tion and registration of holdings with a view to ensur-
ing that all the equidae have in fact been vaccinated.

Article 3

The financial contribution by the Community is hereby
fixed at:

- 100 % of the costs incurred by Spain for the supply of
vaccine,
- 50 % of the costs incurred by Spain in carrying out
the vaccination in question.

Article 4

1. The Community's financial contribution shall be
granted after:

- the Commission has received the information referred
to in Article 2,
- the supporting documents have been supplied.

2. The elements referred to in paragraph 1 shall be
sent by Spain no later than six months from the notifica-
tion of this Decision.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 3 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

CORRIGENDA

Corrigendum to Commission Decision 90/639/EEC of 12 November 1990 determining the names to be borne by the varieties derived from the varieties of vegetable species listed in Decision 89/7/EEC

(Official Journal of the European Communities No L 348 of 12 December 1990)

In the Annex:

On page 5, columns 1 and 3, point 4:

for: 'Zittauer Gelbe',

read: 'Zittauer gelbe'.

On page 7, column 3, point 8.2.:

for: 'Winterriesen 2',

read: 'Winterriesen 3'.

On page 20, column 3, points 36.1., 36.2. and 36.3. insert the following respectively: 'Re d'inverno 2', 'Re d'inverno 3' and 'Re d'inverno 4'.

On page 21, column 3, point 37.1.:

for: 'Di vertus 2',

read: 'Di Vertus 2'.

On page 21, column 3, point 37.2.:

for: 'Di vertus 3',

read: 'Di Vertus 3'.

On page 21, column 3, point 37.3.:

for: 'Di vertus 4',

read: 'Di Vertus 4'.

On page 21, column 3, point 37.4.:

for: 'Di vertus 5',

read: 'Di Vertus 5'.

On page 23, column 3, point 40, insert:

'Danish Ballhead Rearguard'.

On page 26, point 52 is placed under species 14.

On page 27, column 3, point 54.1.:

for: 'Red Drumhead',

read: 'Red Drumhead 2'.

On page 31, column 3, point 60.1., second entry:

for: 'Amarillo canario',

read: 'Amarillo canaria'.

On page 32, column 3, point 63:

for: 'Corto Piccolo di Vorgebirge',

read: 'Corto Piccolo di Vorgebirgs'.

On page 36, column 3, point 69.2.:

for: 'Chantenay Red cored 2',

read: 'Chantenay Red Cored 2'.

On page 37, column 3, point 73, insert 'De Colmar'.

On page 40, column 3, point 75.8.:

for: 'Contadine',

read: 'Comtadine'.

On page 54, column 3, point 98.1.:

for: Rosé de Pâques 3',

read: 'Rosé de Pâques 2'.

On page 55, column 3, point 100 replace 'Nero' with 'Duro'.

On page 58, column 3, point 108.1.:

for: 'Dunkelgrüner Vollherziger 2',

read: 'Dunkelgrüner vollherziger 2'.

On page 58, column 3, point 108.2.:

for: 'Dunkelgrüner Vollherziger 3',

read: 'Dunkelgrüner vollherziger 3'.

On page 59, column 3, point 110.:

for: 'Dreifach Weiße',

read: 'Dreifach weiße'.
