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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 2426/91

of 29 July 1991

amending Regulation No 422/67/EEC-5/67/Euratom determining the emoluments of the President and Members of the Commission, the President, Judges, Advocates-General and Registrar of the Court of Justice and the President, Members and Registrar of the Court of First Instance and Regulation (EEC, Euratom, ECSC) No 2290/77 determining the emoluments of the Members of the Court of Auditors

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a single Council and a single Commission of the European Communities, and in particular Article 6 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78c thereof,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 180 thereof,

Whereas it is appropriate to amend certain provisions of the Regulations determining the emoluments of the Members of the Commission, the Court of Justice, the Court of First Instance and the Court of Auditors, particularly in order to clarify the conditions under which the said Members are entitled to the benefits of the social security scheme provided for in the Staff Regulations of Officials of the European Communities,

HAS ADOPTED THIS REGULATION:*Article 1*

1. Article 11 of Regulation No 422/67/EEC-5/67/Euratom⁽¹⁾ as last amended by Regulation (Euratom, ECSC, EEC) No 3911/90⁽²⁾ shall be replaced by the following:

⁽¹⁾ OJ No 187, 8. 8. 1967, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 1.

Article 11

Members of the Commission or of the Court shall be entitled to sickness, occupational disease, industrial accident and birth and death benefits under the social security scheme provided for in the Staff Regulations of Officials of the European Communities.

The first paragraph shall also apply to former Members of the Commission or of the Court who benefit either under the pension scheme provided for in Article 8 or under the transitional allowance provided for in Article 7 or under the disability pension scheme provided for in Article 10.

However, the social security scheme provided for in the Staff Regulations of Officials of the European Communities shall not apply to risks already covered by another social security scheme under which the former Member of the Commission or of the Court may be eligible for benefits of the same nature and of the same level.

Nevertheless, a former Member of the Commission or of the Court who has held office at least until the age of 60 or is entitled to benefit under the disability pension scheme provided for in Article 10 shall continue to be entitled without restriction to sickness benefits under the scheme provided for in the Staff Regulations. If he is not in receipt of the transitional allowance provided for in Article 7 and is not entitled to benefit under either the pension scheme provided for in Article 8 or the disability pension scheme provided for in Article 10, the former Member of the Commission or the Court shall be obliged to pay half the contributions necessary to cover such risks. The contributions shall be calculated on the basis of the last transitional allowance, adjusted to take account of successive adaptations.

A former Member of the Commission or of the Court who has ceased to hold office before the age of 60 and who, at the end of the period during which he is in receipt of the transitional allowance provided for in Article 7, is not entitled to benefit under either the

pension scheme provided for in Article 8 or the disability pension scheme provided for in Article 10 may continue to qualify for the cover provided for in the second and third paragraphs of this Article, provided that he does not engage in any gainful occupation enabling him to be covered by another public sickness insurance scheme. He must then pay the full amount of the contributions necessary for the cover provided for in Article 72 (1) of the Staff Regulations of Officials of the European Communities. The contributions shall be calculated on the basis of the last transitional allowance, adjusted to take account of successive adaptations.'

2. Article 12 of Regulation (EEC, Euratom, ECSC) No 2290/77⁽¹⁾ as last amended by Regulation (Euratom, ECSC, EEC) No 3822/81⁽²⁾ shall be replaced by the following:

'Article 12

Members of the Court of Auditors shall be entitled to sickness, occupational disease, industrial accident and birth and death benefits under the social security scheme provided for in the Staff Regulations of Officials of the European Communities.

The first paragraph shall also apply to former Members of the Court of Auditors who benefit either under the pension scheme provided for in Article 9 or under the transitional allowance provided for in Article 8 or under the disability pension scheme provided for in Article 11.

However, the social security scheme provided for in the Staff Regulations of Officials of the European Communities shall not apply to risks already covered by another social security scheme under which the former Member of the Court of Auditors may be eligible for benefits of the same nature and of the same level.

Nevertheless, a former Member of the Court of Auditors who has held office at least until the age of 60 or is entitled to benefit under the disability pension scheme provided for in Article 11 shall continue to be entitled without restriction to sickness benefits under the scheme provided for in the Staff Regulations of Officials of the European Communities. If he is not in receipt of the transitional allowance provided for in Article 8 and is not entitled to benefit under either the pension scheme provided for in Article 9 or the disability pension scheme provided for in Article 11, the former Member of the Court of Auditors shall be obliged to pay half the contributions necessary to

cover such risks. The contributions shall be calculated on the basis of the last transitional allowance, adjusted to take account of successive adaptations.

A former Member of the Commission or of the Court who has ceased to hold office before the age of 60 and who, at the end of the period during which he is in receipt of the transitional allowance provided for in Article 8, is not entitled to benefit under either the pension scheme provided for in Article 9 or the disability pension scheme provided for in Article 11 may continue to qualify for the cover provided for in the second and third paragraphs of this Article, provided that he does not engage in any gainful occupation enabling him to be covered by another public sickness insurance scheme. He must then pay the full amount of the contributions necessary for the cover provided for in Article 72 (1) of the Staff Regulations of Officials of the European Communities. The contributions shall be calculated on the basis of the last transitional allowance, adjusted to take account of successive adaptations.'

Article 2

1. The following paragraph is hereby added to Article 15 of Regulation No 422/67/EEC-5/67/Euratom:

'8. The widow and dependent children of a Member or former Member of the Commission or of the Court shall be entitled to sickness benefits under the social security scheme provided for in the Staff Regulations of Officials of the European Communities if they are not eligible for benefits of the same nature and of the same level under another social security scheme.'

2. The following paragraph is hereby added to Article 16 of Regulation (EEC, Euratom, ECSC) No 2290/77:

'8. The widow and dependent children of a Member or former Member of the Court of Auditors shall be entitled to sickness benefits under the social security scheme provided for in the Staff Regulations of Officials of the European Communities if they are not eligible for benefits of the same nature and of the same level under another social security scheme.'

Article 3

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

It shall apply from 12 December 1989.

⁽¹⁾ OJ No L 268, 20. 10. 1977, p. 1.

⁽²⁾ OJ No L 386, 31. 12. 1981, p. 4.

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

Done at Brussels, 29 July 1991.

For the Council

The President

H. VAN DEN BROEK

COUNCIL REGULATION (EEC) No 2427/91

of 29 July 1991

amending Regulation (EEC) No 3928/90 allocating, for 1991, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3928/90 ⁽¹⁾ allocates, for 1991, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishery zone around Jan Mayen;

Whereas a catch quota of 150 000 tonnes of sand-eel had been allocated to the Community in Norwegian waters south of 62° N for 1991; whereas the catches by Community vessels might lead to this allocation being exhausted shortly;

Whereas, in accordance with the procedure provided for in Article 2 of the Fisheries Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, the parties have had further consultations on their reciprocal fishing rights for 1991; whereas these consultations have been concluded and, as a result, the

abovementioned catch quota allocated to the Community has been increased;

Whereas it is for the Council, pursuant to Article 3 of Regulation (EEC) No 170/83, to determine the conditions subject to which this catch quota may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be allocated among the Member States as quotas in accordance with Article 4 of Regulation (EEC) No 170/83,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EEC) No 3928/90, the figures relating to sand-eel in ICES division IV are hereby replaced by those set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 29 July 1991.

For the Council

The President

H. VAN DEN BROEK

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 378, 31. 12. 1990, p. 46.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 48.

*ANNEX***Allocation for 1991 of Community catch quotas in Norwegian waters as referred to in Article 1 (2)**

<i>(tonnes — fresh round weight)</i>			
Species	ICES division	Community catch quotas	Quotas allocated to Member States
Sand-eel	IV	170 000	Denmark 161 500
			United Kingdom 8 500

COUNCIL REGULATION (EEC) No 2428/91

of 29 July 1991

increasing the volume of the Community tariff quota opened for 1991 for
newsprint

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, for newsprint, the Community has reached an agreement which provides in particular for the opening of a Community tariff quota of 650 000 tonnes, of which 600 000 tonnes are reserved, until 30 November of each year, exclusively for products from Canada, in accordance with Article XIII of the General Agreement on Tariffs and Trade; whereas this agreement provides equally for the obligation to increase, by 5 %, that part of the quota reserved for imports from Canada, in the event that that part is used up before the end of a given period of one year; whereas the quota of 650 000 tonnes was opened for 1991 by Council Regulation (EEC) No 3275/90⁽¹⁾;

Whereas the economic data at present available give rise to the belief that the requirements for importing news-

print from Canada could reach a level higher than the said volume of 600 000 tonnes; whereas the volume of that part of quota reserved for these imports should be increased, therefore, by 30 000 tonnes,

HAS ADOPTED THIS REGULATION:

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 3275/90 for newsprint from Canada shall be increased from 600 000 tonnes to 630 000 tonnes.

Article 2

This Regulation shall enter into force on the seventh 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, 29 July 1991.

*For the Council**The President*

H. VAN DEN BROEK

⁽¹⁾ OJ No L 315, 15. 11. 1990, p. 3.

COMMISSION REGULATION (EEC) No 2429/91

of 9 August 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 8 August 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 10 August 1991.

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

Done at Brussels, 9 August 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 9 August 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	128,63 ^(?) ^(?)
0712 90 19	128,63 ^(?) ^(?)
1001 10 10	170,55 ^(?) ^(?)
1001 10 90	170,55 ^(?) ^(?)
1001 90 91	157,80
1001 90 99	157,80
1002 00 00	139,27 ^(?)
1003 00 10	142,18
1003 00 90	142,18
1004 00 10	114,92
1004 00 90	114,92
1005 10 90	128,63 ^(?) ^(?)
1005 90 00	128,63 ^(?) ^(?)
1007 00 90	138,19 ^(?)
1008 10 00	52,58
1008 20 00	118,13 ^(?)
1008 30 00	34,30 ^(?)
1008 90 10	^(?)
1008 90 90	34,30
1101 00 00	233,92 ^(?)
1102 10 00	207,98 ^(?)
1103 11 10	277,41 ^(?)
1103 11 90	252,46 ^(?)

⁽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 2430/91

of 9 August 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 8 August 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 10 August 1991.

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

Done at Brussels, 9 August 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 9 August 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0,51	0,51	1,13
0712 90 19	0	0,51	0,51	1,13
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	18,95	18,95	18,95
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	0,51	0,51	1,13
1005 90 00	0	0,51	0,51	1,13
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	9,24
1008 90 90	0	0	0	9,24
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2431/91**of 9 August 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 2301/91 ⁽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 12 August 1991.

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

Done at Brussels, 9 August 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 213, 1. 8. 1991, p. 5.

ANNEX

to the Commission Regulation of 9 August 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⁾) (⁽⁴⁾) Bangladesh	Third countries (except ACP or OCT) (⁽⁵⁾)
1006 10 21	—	153,85	314,90
1006 10 23	209,35	135,96	279,13
1006 10 25	209,35	135,96	279,13
1006 10 27	209,35	135,96	279,13
1006 10 92	—	153,85	314,90
1006 10 94	209,35	135,96	279,13
1006 10 96	209,35	135,96	279,13
1006 10 98	209,35	135,96	279,13
1006 20 11	—	193,21	393,63
1006 20 13	261,68	170,85	348,91
1006 20 15	261,68	170,85	348,91
1006 20 17	261,68	170,85	348,91
1006 20 92	—	193,21	393,63
1006 20 94	261,68	170,85	348,91
1006 20 96	261,68	170,85	348,91
1006 20 98	261,68	170,85	348,91
1006 30 21	—	238,89	501,64 (⁽⁵⁾)
1006 30 23	430,90 (⁽⁵⁾)	275,38	574,53 (⁽⁵⁾)
1006 30 25	430,90 (⁽⁵⁾)	275,38	574,53 (⁽⁵⁾)
1006 30 27	430,90 (⁽⁵⁾)	275,38	574,53 (⁽⁵⁾)
1006 30 42	—	238,89	501,64 (⁽⁵⁾)
1006 30 44	430,90 (⁽⁵⁾)	275,38	574,53 (⁽⁵⁾)
1006 30 46	430,90 (⁽⁵⁾)	275,38	574,53 (⁽⁵⁾)
1006 30 48	430,90 (⁽⁵⁾)	275,38	574,53 (⁽⁵⁾)
1006 30 61	—	254,77	534,25 (⁽⁵⁾)
1006 30 63	461,93 (⁽⁵⁾)	295,60	615,90 (⁽⁵⁾)
1006 30 65	461,93 (⁽⁵⁾)	295,60	615,90 (⁽⁵⁾)
1006 30 67	461,93 (⁽⁵⁾)	295,60	615,90 (⁽⁵⁾)
1006 30 92	—	254,77	534,25 (⁽⁵⁾)
1006 30 94	461,93 (⁽⁵⁾)	295,60	615,90 (⁽⁵⁾)
1006 30 96	461,93 (⁽⁵⁾)	295,60	615,90 (⁽⁵⁾)
1006 30 98	461,93 (⁽⁵⁾)	295,60	615,90 (⁽⁵⁾)
1006 40 00	—	72,51	151,02

(⁽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 2432/91

of 9 August 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 2302/91 ⁽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 12 August 1991.

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

Done at Brussels, 9 August 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 213, 1. 8. 1991, p. 7.

ANNEX

to the Commission Regulation of 9 August 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 8	1st period 9	2nd period 10	3rd period 11
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 2433/91**of 8 August 1991****laying down detailed rules for the supply of pasta as urgent aid for the people of the Soviet Union provided for by Council Regulation (EEC) No 598/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 598/91 of 5 March 1991 on urgent action for the supply of agricultural products intended for the people of the Soviet Union⁽¹⁾, and in particular Article 5 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 Regulation (EEC) No 598/91 provides for urgent action for the supply of agricultural products intended for the people of the Soviet Union ; whereas that country has requested the supply of pasta ; whereas this request should be granted ;

Whereas, taking into consideration the particular requirements of the supply as regards transport and distribution to the destination, the costs concerning the manufacture of the products should be determined separately, by tender, in order to organize subsequently the dispatch of the products to the institutions and organizations beneficiary ;

Whereas it is necessary to determine the conditions for tendering the attribution of the supply 'contract' and the obligations of the tenderers responsible for the manufacture of the products ;

Whereas pursuant to Article 2 (4) of Regulation (EEC) No 598/91 the goods delivered do not qualify for export refunds and are not subject to monetary compensatory amounts ;

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⁽⁴⁾, as last amended by Regulation (EEC) No 3237/90⁽⁵⁾ ;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Pursuant to Regulation (EEC) No 598/91, a procedure is hereby initiated for invitations to tender for the manufacture of 19 separate lots of pasta, each lot being 500 tonnes, in accordance with the conditions laid down in this Regulation.

2. Each delivery shall comprise :

(a) the manufacture in the Community of one 500 tonne lot of pasta in accordance with point 1 of Annex I.

The goods are to be packed and labelled in conformity with the provisions of Annex I.

The manufacture and packaging of the goods covered by the tender has to be accomplished by the date indicated in Annex III ;

(b) the storage, at the manufacturers expense, of goods at the disposal of the organization designated by the Commission until

(c) the undertaking to expedite as far as possible the manufacture of the amounts of goods tendered with a view to completing its manufacture and take-over by dates before those specified above, at the request of the organization designated by the Commission.

3. The goods referred to in paragraph 2 shall not be delivered under the inward processing arrangements.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁵⁾ OJ No L 310, 9. 11. 1990, p. 18.

Article 2

1. Tenders shall be sent by written telecommunication to the following address:

Commission of the European Communities,
DG VI-H-2, Bilateral matters,
200, rue de la Loi,
Loi 130 6/77,
B-1040 Brussels;
(telex: 22037 AGREC B; fax: 32 2 235 93 06)

2. Tenders must be lodged in their entirety before 12.00 noon (Brussels time) on 19 August 1991.

Article 3

1. Each tender shall refer to one lot of 500 tonnes (net weight of goods).

2. Tenders shall be valid only if they indicate the following:

- (a) the precise reference to the invitation to tender;
- (b) the name and address and in particular telex/telefax numbers of the tenderer established in the Community;
- (c) the number of the lots tendered for and the net weight tendered;
- (d) the amount in ecus per tonne of goods offered;
- (e) the exact address of the place of manufacture and packaging;
- (f) the exact address of the storehouse at which the goods are to be placed at disposal in conformity with Article 1 (2) (b); tenders should indicate only one storage facility.

Tenders shall be accompanied by:

- (g) proof that the tenderer has lodged the tendering security referred to in Article 4 before the expiry of the deadline for submission of tenders. This proof shall be furnished by means of a document issued by the guarantor.

3. A tender which contains conditions other than those laid down by this Regulation shall not be valid.

4. No tender may be changed or withdrawn.

Article 4

1. The tendering security shall be fixed at ECU 15 per tonne of goods.

2. The tendering security shall take the form of sureties in favour of the Commission issued by a credit institution approved by a Member State.

The tendering security must be provided for a period of at least one month.

The tendering security can be released solely at the initiative of the Commission. It shall be released or payable in conformity with Article 6.

Article 5

1. On the basis of the tenders received:

- the delivery shall be awarded to the tenderer whose tender quotes the lowest amounts,
- or, where necessary, no award shall be made, in particular where the tenders submitted exceed the prices normally obtaining on the market,

Where several tenders specify the same amount adjusted according to paragraph 2, lots shall be drawn to determine the tender to be accepted.

2. For the comparison of the tenders, the accession compensatory amounts shall be deducted.

3. Within five 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 an award is made the successful tenderer shall be informed thereof immediately by written telecommunication.

Article 6

The tendering security provided for in Article 3 (2) (g) shall be released without delay:

- if a tender is not accepted or if no award is made,
- for the successful tenderer when proof is provided of the lodging of delivery security in accordance with Article 7.

Article 7

Within five working days of being notified that he has been awarded the delivery contract, the successful tenderer shall provide the organization indicated in Article 8 with proof that a delivery security amounting to ECU 50 000 has been lodged for each lot.

This delivery security shall be constituted in the form of sureties issued by a credit institution approved by a Member State. It must be provided for a period of at least four months. The proof shall be furnished by means of a document issued by the guarantor.

The delivery security shall be released in conformity with Article 10 (4).

Article 8

1. Before the date specified in Annex III for the lot concerned, the successful tenderer shall present a demand for payment for the supply to the organization designated by the Member State in which the storehouse of supply referred to in Article 3 (2) (f) is situated, accompanied by the following:

- (a) proof of lodgement of a payment security in the form of sureties in favour of the forementioned organization issued by a credit institution approved by a Member

State, provided for a period of at least two months. The proof shall be furnished by means of a document issued by the guarantor;

- (b) certification made by the organization referred to in Article 9, on completion of the checks carried out;
- (c) certification that the products were available by the production deadline referred to in Annex III. Payment shall be made for the quantity of product (net weight) referred to in the certificate.

2. The payment security provided for in paragraph 1 shall be 110 % of the amount of the offer for the relevant lot.

Article 9

The manufacture and packaging of the goods shall be the subject of a control to be carried out by the organization designated by the Member State within which lies the place of manufacture and packaging.

For this purpose the successful tenderer shall inform this organization and the Commission of the places and period of manufacture and of packaging of the goods, at least five days in advance as well as the address of the storehouse mentioned in Article 3 (2) (f) at which goods are kept at disposal.

Following controls, the organization shall provide a certificate based on the model in Annex II to this Regulation, establishing that the products had been manufactured according to the terms of this Regulation.

Article 10

1. The payment security referred to in Article 8 (1) shall be released without delay when the successful tenderer presents the take-over certificate in accordance with the model in Annex II and provided by the body indicated by the Commission.

2. If the product is not taken over by the date indicated in Annex III, the successful tenderer shall ask the organization responsible for payment to certify that the product

was made available in accordance with his obligations and will obtain release of the payment security on foot of this certification. Similarly, the organization responsible for payment shall, after consultation with the Commission, make appropriate measures as regards the destination of the goods.

3. The payment security shall be released for quantities for which the tenderer's obligations have been fulfilled. The quantities supplied shall be deemed satisfactory where the net weight is not less than by more than 1 % of the intended quantity.

4. The supply security foreseen in Article 5 shall be released on provision of proof of the establishment of the payment security in accordance with Article 8.

5. Securities shall be released at once in the case of *force majeure*.

Article 11

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

Article 12

1. The Commission shall communicate to the organizations mentioned in Articles 8 and 9 the name of the successful tenderer and all other necessary information for carrying out delivery.

2. The organizations referred to in paragraph 1 shall communicate to the Commission all information concerning the carrying out of the delivery, in particular the results of the checks and the conditions of take-over of the goods.

Article 13

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, 8 August 1991.

For the Commission

Jean DONDELINGER

Member of the Commission

*ANNEX I**1. Characteristics of goods to be delivered as urgent aid*

Pasta made from durum wheat semolina with an ash content less than or equal to 1,1 % and a protein content not less than 10 %, falling within CN codes 1902 19, 1902 20 or 1902 30. For control purposes a tolerance of 3 % of common wheat in the totality of wheat used is permissible.

2. Additional requirements concerning packaging and labelling

- (a) the goods must be packaged in packs of minimum 500 grams net weight and maximum 1 kilogram net weight;
- (b) the goods in packets shall be packed in cartons conforming to the usual standards for exportation and the cartons assembled on pallets;
- (c) every single package shall be labelled 'ПОМОЩЬ ЕС СССР 598/91' as well as the designation 'Food aid of the Community to Soviet Union — Commission Regulation (EEC) No 2433/91' in one of the official languages of the Member States of the manufacture of the goods.

This last designation is also appended in block letters in indelible lettering on the cartons in which goods are packaged.

*ANNEX II***CERTIFICATE OF TAKE OVER**

The undersigned :

.....
(surname, name, organization)

acting for, for the account of
..... certify that the goods described below,
delivered pursuant to Commission Regulation (EEC) No 2433/91 have been taken over :

by :

— Place and date of taking over :

.....

— Type of goods :

.....

— Tonnage, (net) weight taken over :

.....

— Packaging :

.....

.....

.....

.....

Observations :

.....

.....

.....

.....

.....

.....

Signature :

Date :

ANNEX III

Lot numbers	Final date for manufacture as mentioned in Article 1 (2), point 1	Final date for goods to be stored for disposal as mentioned in Article 1 (2), point 2	Final date for the introduction of the demand for payment as mentioned in Article 8 (1)
1 } 2 } 3 } 4 } 5 } 6 }	16. 9. 1991	30. 9. 1991	20. 9. 1991
7 } 8 } 9 } 10 } 11 } 12 } 13 }	30. 9. 1991	15. 10. 1991	4. 10. 1991
14 } 15 } 16 } 17 } 18 } 19 }	7. 10. 1991	22. 10. 1991	11. 10. 1991

COMMISSION REGULATION (EEC) No 2434/91

of 9 August 1991

re-establishing the levying of customs duties on products falling within CN codes 6401 and 6402, originating in Brazil, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries⁽¹⁾, as amended by Regulation (EEC) No 3835/90⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN codes 6401 and 6402, originating in Brazil, the individual ceiling was fixed at ECU 1 155 000; whereas, on 18 July 1991, imports of these products into the Community originating in Brazil reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 13 August 1991, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Brazil:

Order No	CN code	Description
10.0660	6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
	6402	Other footwear with outer soles and uppers of rubber or plastics

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, 9 August 1991.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 370, 31. 12. 1990, p. 126.

COMMISSION REGULATION (EEC) No 2435/91

of 8 August 1991

concerning the stopping of fishing for cod by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3928/90 of 20 December 1990 allocating, for 1991, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen ⁽³⁾, provides for cod quotas for 1991 ;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated ;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I, II (Norwegian waters north of 62 °N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota

allocated for 1991 ; whereas the United Kingdom has prohibited fishing for this stock as from 31 July 1991 ; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION :

Article 1

Catches of cod in the waters of Ices divisions I, II (Norwegian waters north of 62 °N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1991.

Fishing for cod in the waters of Ices divisions I, II (Norwegian waters north of 62 °N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 31 July 1991.

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

Done at Brussels, 8 August 1991.

For the Commission

Jean DONDELINGER

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 46.

COMMISSION REGULATION (EEC) No 2436/91

of 7 August 1991

opening an invitation to tender for the sale of baled tobacco held by the German,
Greek and Italian intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1737/91 ⁽²⁾, and in particular Article 7 (4) 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 ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EEC) No 3389/73 ⁽⁵⁾, as last amended by Regulation (EEC) No 395/90 ⁽⁶⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the cost of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund; whereas, in order to ensure tenders are obtained for all tobacco varieties, provision should be made to sell by groups of lots, beginning with those varieties for which there is least demand on the market;

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

Whereas the sale by groups of lots should be carried out at close intervals and, as a result, it is necessary to derogate from Article 3 of Regulation (EEC) No 3389/73 as regards the time limit of 45 days between the date of publication of the notice in the *Official Journal of the European Communities* and the date fixed for the submission of tenders, which should be reduced to 20 days;

Whereas, for tendering procedures covering tobacco stored in several Member States, provision should be

made for tenders to be submitted in ecus; whereas the operative event for the agricultural conversion rate to be applied to tenders for which contracts are awarded is the withdrawal of the tobacco; whereas, however, in certain cases the agricultural conversion rate applicable on the final date for submission of tenders should be used;

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

HAS ADOPTED THIS REGULATION:

Article 1

Eleven lots of baled raw tobacco from the 1986, 1987, 1988 and 1989 harvests, held by the German, Greek and Italian intervention agencies, with a total weight of 105 486 276 kilograms, broken down by variety as shown in the Annex hereto, shall be sold for export.

The lots shall be sold successively on the principle that each new group of lots shall not be sold until the preceding group of lots has been awarded. The Commission shall give notice of the sale of the lots in notices of invitation to tender to be published in the *Official Journal of the European Communities*, C series.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

Article 3

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be as indicated in the notice of invitation to tender for each group of lots.

Notwithstanding Article 3 of Regulation (EEC) No 3389/73, the notices of invitation to tender may be published in the Official Journal 20 days before the date fixed for the submission of tenders.

Article 4

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 11.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁶⁾ OJ No L 42, 16. 2. 1990, p. 46.

- (a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one third of the lots;
- (b) at the end of the sixth month following the said date for the remaining tobacco.

Article 5

1. The security referred to in Article 5 of Regulation (EEC) No 3389/73 must, for the tobacco stored in Germany, be lodged with and in the name of the Bundesanstalt für landwirtschaftliche Markteordnung (BALM) Adickesalle 40, D-6000 Frankfurt am Main, for the tobacco stored in Greece with and in the name of the Ypiresia Diachirisis Agoron Georgikou Proionton (Ydagep), Acharnon 241, GR-10446 Athens, and for the tobacco stored in Italy with and in the name of Azienda di Stato per gli interventi nel mercato agricolo, sezione specializzata per il tabacco (AIMA), via Cuddio Galimberti 47, I-00136 Rome (Italy).

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

Notwithstanding Article 4 (2) of Regulation (EEC) No 3389/73, the price per kilogram of tobacco tendered must be expressed in ecus per kilogram.

Article 7

The operative event for the agricultural conversion rate applied for payment:

- of securities, shall be the time limit referred to in Article 3,
- of tenders which are awarded as contract, shall be the withdrawal of all the tobacco concerned.

However, in cases where all the tobacco is withdrawn before the end of the month following that of the time referred to in Article 3, the rate of exchange into national currency of the tenders which are awarded a contract shall be the agricultural conversion rate in force on that date.

Article 8

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, 7 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

First sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Tsebelia	1987	BALM	1 002 269
	Tsebelia	1987	AIMA	4 647 876
	Tsebelia	1988	AIMA	16 728 093
	Tsebelia	1988	Ydagep	94 245
	Tsebelia	1989	AIMA	4 904 746
	Tsebelia	1989	Ydagep	2 487 824
2	Mavra	1986	Ydagep	612 982
	Mavra	1987	AIMA	1 212 508
	Mavra	1987	Ydagep	333 872
	Mavra	1988	AIMA	7 379 863
	Mavra	1988	Ydagep	1 189 776
	Mavra	1989	AIMA	419 673
	Mavra	1989	Ydagep	2 085 169
3	Forchheimer Havanna	1987	AIMA	1 076 394
	Forchheimer Havanna	1988	AIMA	2 221 958
	Forchheimer Havanna	1988	AIMA	642 795
4	Badischer Geudertheimer	1988	AIMA	7 517 715

Second sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Kaba Koulak n.c.	1986	Ydagep	318 463
	Kaba Koulak n.c.	1988	Ydagep	375 154
	Kaba Koulak n.c.	1989	Ydagep	1 100 006
	Myrodata	1988	Ydagep	264 757
	Myrodata	1989	Ydagep	3 129 700
	Zychnomyrodata	1988	Ydagep	396 773
	Zychnomyrodata	1989	Ydagep	413 036
2	Xanti Yaka	1988	AIMA	1 890 224
	Xanti Yaka	1989	AIMA	2 934 096
	Perustitza	1988	AIMA	1 556 999
	Perustitza	1989	AIMA	1 221 911
	Erzegovina	1988	AIMA	370 695
	Erzegovina	1989	AIMA	471 274

Third sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Burley EL	1986	Ydagep	504 667
	Burley I	1987	AIMA	1 724 626
	Burley I	1988	AIMA	2 937 069
	Badischer Burley	1988	AIMA	864 592
	Burley EL	1988	Ydagep	546 668
	Burley I	1989	AIMA	1 006 072
	Badischer Burley	1989	AIMA	65 815
	Kentucky	1987	AIMA	656 976
	Kentucky	1988	AIMA	126 965
	Kentucky	1989	AIMA	166 105
	Maryland	1988	AIMA	93 224
	Maryland	1989	AIMA	96 825

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
2	Bright	1987	AIMA	439 462
	Bright	1988	AIMA	2 390 963
	Virginia EL	1988	Ydagep	1 139
	Bright	1989	AIMA	523 638

Fourth sale

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Basmas	1986	Ydagep	238 844
	Basmas	1987	Ydagep	91 826
	Basmas	1988	Ydagep	3 119 982
	Basmas	1989	Ydagep	3 168 839
2	Katerini	1986	Ydagep	459 948
	Katerini	1988	Ydagep	2 617 348
	Katerini	1988	AIMA	402 322
	Katerini	1989	Ydagep	1 817 793
	Katerini	1989	AIMA	98 170
3	Kaba koulak Cl.	1986	Ydagep	1 190 990
	Kaba koulak Cl.	1988	Ydagep	5 723 391
	Kaba koulak Cl.	1989	Ydagep	5 411 171

COMMISSION REGULATION (EEC) No 2437/91

of 9 August 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 ⁽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 beneficiary organizations 2 144 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 ⁽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 in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. 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, 9 August 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**LOTS A and B**

1. **Operation Nos** (1): 581 and 582/91
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**: A: Pakistan; B: Lebanon
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (2) (3):
see OJ No C 114, 29. 4. 1991, p. 3 (under B.1)
8. **Total quantity**: 1 644 tonnes
9. **Number of lots**: two (A: 1 200 tonnes; B: 444 tonnes)
10. **Packaging and marking**:
see OJ No C 114, 29. 4. 1991, p. 3 (under IA.2.3)
25 kg; B: in containers
markings in English (in letters at least 2,5 cm high)
supplementary markings on packaging:
A: 'ACTION No 581/91 / PAKISTAN 0425601 / SUPPLIED BY THE WORLD FOOD PROGRAMME / KARACHI';
B: 'ACTION No 582/91 / LEBANON 0052402 / SUPPLIED BY THE WORLD FOOD PROGRAMME / BEIRUT'.
11. **Method of mobilization**: 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 port of shipment
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**: —
17. **Period for making the goods available at the port of shipment**: 16 — 27. 9. 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 26. 8. 1991
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 9. 9. 1991
 - (b) period for making the goods available at the port of shipment: 1 — 10. 10. 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 23. 9. 1991
 - (b) period for making the goods available at the port of shipment: 10 — 23. 10. 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** (5): refund applicable on 26. 7. 1991, fixed by Commission Regulation (EEC) No 2221/91 (OJ No L 203, 26. 7. 1991, p. 69)

LOT C

1. **Operation No :** 1439/90 (1)
2. **Programme :** 1989
3. **Recipient :** Pakistan
4. **Representative of the recipient (2) :** Dr M. N. A. Ansari, Assistant Project Director, WFPK, Ministry of Health, Special Education and Social Welfare, Block 47, Pakistan Secretariat, Karachi
5. **Place or country of destination :** Pakistan
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 :** 300 tonnes
9. **Number of lots :** one
10. **Packaging and marking :** see OJ No C 114, 29. 4. 1991 (under I.B.2, I.B.3 and I.A.2.2)
25 kg (7)
markings in English (in letters at least 2,5 cm high)
11. **Method of mobilization :** 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 :**
Ministry of Food and Agriculture godown, Karachi port, Pakistan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage :** 16 — 27. 9. 1991
18. **Deadline for the supply :** 24. 10. 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 26. 8. 1991
21. **A. In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 9. 9. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 1 — 10. 10. 1991
 - (c) deadline for the supply : 7. 11. 1991
21. **B. In the case of a third invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 23. 9. 1991
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 10 — 23. 10. 1991
 - (c) deadline for the supply : 21. 11. 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 26. 7. 1991, fixed by Commission Regulation (EEC) No 2221/91 (OJ No L 203, 26. 7. 1991, p. 69)

LOT D

1. **Operation No :** 583/91 (')
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 :** Uganda
6. **Product to be mobilized :** skimmed-milk powder
7. **Characteristics and quality of the goods ⁽³⁾ (6) :**
see OJ No C 114, 29. 4. 1991, p. 1 (under A.1)
8. **Total quantity :** 200 tonnes
9. **Number of lots :** one
10. **Packaging and marking :** see OJ No C 114, 29. 4. 1991, pp. 1-3 (under A.2 and A.2.3)
25 kg in containers
markings in English (in letters at least 2,5 cm high) and the expiry date
supplementary markings on the packaging :
'ACTION No 583/91 / UGANDA 0332500 / SUPPLIED BY THE WORLD FOOD PROGRAMME /
MOMBASA, IN TRANSIT TO KAMPALA, UGANDA'
11. **Method of mobilization :** Community market
The skimmed-milk powder must be manufactured after the award of the tender
12. **Stage of supply :** free at port of shipment
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 :** —
17. **Period for making the goods available at the port of shipment :** 16 — 27. 9. 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 26. 8. 1991
21. **A. In the case of a second invitation to tender :**
 - (a) deadline for the submission of tenders : 12 noon on 9. 9. 1991
 - (b) period for making the goods available at the port of shipment : 1 — 10. 10. 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 23. 9. 1991
 - (b) period for making the goods available at the port of shipment : 10 — 23. 10. 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, 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 26. 7. 1991, fixed by Commission Regulation (EEC) No 2221/91 (OJ No L 203, 26. 7. 1991, p. 69)

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.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the 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 the Annex, or
 - by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05,
 - 236 33 04.
- (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 25 of the Annex.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- health certificate,
 - certificate of origin.
- (⁷) The bags must be placed in 20-foot containers.
- The free holding period for containers must be at least 15 days.
-

COMMISSION REGULATION (EEC) No 2438/91

of 9 August 1991

adopting interim protective measures regarding applications for STM licences
for trade with Portugal in beef and veal

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 3815/90 of
19 December 1990 laying down detailed rules for the
application of the supplementary trade mechanism for
certain products in the beef and veal sector intended for
Portugal⁽¹⁾, as last amended by Regulation (EEC) No
840/91⁽²⁾ set the indicative ceilings applicable in the beef
and veal sector and the maximum quantities for which
STM licences may be issued each quarter;

Whereas Article 252 (1) of the Act of Accession makes
provision for the Commission to take interim protective
measures necessary where an examination of the trend in
intra-Community trade shows a significant increase in
imports carried out or foreseeable in the current year or
part thereof;

Whereas an examination of licence applications shows
that the quantities applied for are likely to bring about a

serious disturbance of the Portuguese market; whereas
therefore further certificates could be issued for the time
being,

HAS ADOPTED THIS REGULATION:

Article 1

For fresh and refrigerated beef and veal:

1. the issuing of STM licences in response to applications
submitted from 5 August 1991 is suspended for the
time being;
2. further applications may be submitted from 19 August
1991.

Article 2

This Regulation shall enter into force on 10 August 1991.

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

Done at Brussels, 9 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 366, 29. 12. 1990, p. 30.

⁽²⁾ OJ No L 85, 5. 4. 1991, p. 23.

COMMISSION REGULATION (EEC) No 2439/91

of 9 August 1991

fixing the maximum buying-in price and the quantities of beef bought in for the
51st partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Article 90 thereof,

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, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 2369/91⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EEC) No 2131/91⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted, without, however, exceeding the average national or regional market price plus ECU 6; whereas, however, pursuant to Article 5 of that Regulation, where the intervention agencies in Member States are offered meat in quantities greater than they are able to take over forthwith, such intervention agencies may limit buying in to the quantities they can take over;

Whereas, after the tenders submitted for the 51st partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the

differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

Whereas the scale of the quantities awarded warrants the application of the possibility provided for in Article 13 (2) of Regulation (EEC) No 859/89 of extending the period during which the intervention products are to be delivered by one week;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 51st partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 266 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders exceeding ECU 263,8 in Belgium and ECU 258,8 in the Netherlands shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 16 925 tonnes; the quantities offered are hereby reduced by 70 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

- the maximum buying-in price is hereby fixed at ECU 262 per 100 kilograms of carcasses or half-carcasses of quality R3,
- tenders in Ireland exceeding ECU 241,9 Northern Ireland exceeding ECU 248,7 shall not be taken into consideration,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 26 234 tonnes; the quantities offered are hereby reduced by 20 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(¹) OJ No L 148, 28. 6. 1968, p. 24.

(²) OJ No L 150, 15. 6. 1991, p. 16.

(³) OJ No L 91, 4. 4. 1989, p. 5.

(⁴) OJ No L 216, 3. 8. 1991, p. 36.

(⁵) OJ No L 159, 10. 6. 1989, p. 36.

(⁶) OJ No L 197, 20. 7. 1991, p. 15.

(c) in the Member States or regions of Member States which meet the conditions laid down in the second indent of Article 6 (4) of Regulation (EEC) No 805/68:

- the maximum buying-in price is hereby fixed at ECU 250,387 per 100 kilograms of carcasses or half-carcasses of quality R3 for category A in Germany,
- the maximum quantity accepted of carcasses or half-carcasses is hereby fixed at 37 064.

Article 2

By way of derogation from the first sentence of Article 13 (2) of Regulation (EEC) No 859/89, the delivery period for the intervention products is hereby extended by one week.

Article 3

This Regulation shall enter into force on 13 August 1991.

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

Done at Brussels, 9 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2440/91

of 9 August 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 2423/91 ⁽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 8 August 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 10 August 1991.

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

Done at Brussels, 9 August 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 221, 9. 8. 1991, p. 21.

⁽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 9 August 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,16 ⁽¹⁾
1701 11 90	36,16 ⁽¹⁾
1701 12 10	36,16 ⁽¹⁾
1701 12 90	36,16 ⁽¹⁾
1701 91 00	39,08
1701 99 10	39,08
1701 99 90	39,08 ⁽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 1783/81 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 2441/91
of 9 August 1991
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1856/91 ⁽⁴⁾, as last amended by Regulation (EEC) No 2313/91 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1856/91 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 53,299 per 100 kilograms.

2. However, the amount of the aid will be confirmed or replaced with effect from 1 August 1991 to take account of the impact of the maximum guaranteed quantity system on 1991/92 marketing year.

Article 2

This Regulation shall enter into force on 10 August 1991.

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

Done at Brussels, 9 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 168, 29. 6. 1991, p. 31.

⁽⁵⁾ OJ No L 213, 1. 8. 1991, p. 39.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 May 1991

declaring the compatibility of a concentration with the common market

(Case No IV/M043 — Magneti Marelli/CEAc) —

Council Regulation (EEC) No 4064/89

(Only the French text is authentic)

(91/403/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings⁽¹⁾, and in particular Article 8 (2) thereof,

Having regard to the Commission Decision of 21 January 1991 to initiate proceedings in this case,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission,

Having regard to the opinion of the Advisory Committee on Concentrations⁽²⁾,

Whereas :

I. NATURE OF THE OPERATION

- (1) A proposed concentration was notified on 10 December 1990 pursuant to Article 4 of Council Regulation No 4064/89, consisting of the acquisition by Sicind, a wholly-owned subsidiary of Fiat, from Samag, a wholly-owned subsidiary of Alcatel Alsthom Compagnie Générale d'Électricité (Alcatel

Alsthom), formally known as CGE, of 50,1 % of the shares of the Compagnie européenne d'Accumulateurs (CEAc). Samag currently holds 98,4 % of the shares of CEA.

II. THE PARTIES

- (2) Fiat had a consolidated worldwide turnover of ECU 33,294 000 million in 1989. Its Community-wide turnover in 1989 was ECU 29,315 000 million of which 63 % was achieved in Italy. The Fiat group is active in particular in the automobile and industrial vehicles, agricultural machinery, road construction machines, automotive parts and electric components sectors as well as in a number of other diversified sectors. It is intended that control of CEA will be exercised by Magneti Marelli, a subsidiary of Fiat. Magneti Marelli is a producer of automotive parts. Its worldwide turnover was ECU 2,560 000 million in 1989.
- (3) CEA is a producer of starter batteries, stationary batteries and traction batteries. It achieved a worldwide turnover of ECU 275 million in 1989 and a Community-wide turnover of ECU 252 million.

III. CONTEXT OF THE ACQUISITION

- (4) The notified operation is one of the components of a 'framework agreement' entered into between Fiat and Alcatel Alsthom, the other main elements of which are as follows :

(¹) OJ No L 395, 30. 12. 1989, p. 1, as amended in OJ No L 257, 21. 9. 1990, p. 13.

(²) OJ No C 209, 10. 8. 1991, p. 11.

- the exchange of minority shareholdings between Fiat and Alcatel Alsthom. Fiat will acquire 6 % of Alcatel Alsthom and Alcatel Alsthom 3 % of Fiat,
 - the acquisition by Alcatel NV from Fiat SpA (Fiat) of a controlling interest of 69,2 % of the shares of Telettra SpA (Telettra). This concentration was authorized by the Commission subject to certain obligations, on 12 April 1991 (Case No IV/M042 — Alcatel/Telettra) ⁽¹⁾,
 - the planned acquisition of a controlling interest in Fiat's railway equipment subsidiary, Fiat Ferroviaria, by GEC-Alsthom, which is jointly controlled by GEC and Alcatel Alsthom,
 - the creation of a European holding company which will be jointly owned by Fiat and Alcatel Alsthom, which will have the objective of developing initiatives of mutual interest in research and development.
- (5) This Decision concerns only the concentration between Sicind/Magneti Marelli and CEAc.

IV. APPLICABILITY OF REGULATION (EEC) NO 4064/89

- (6) The notified operation is a concentration within the meaning of Article 3 (1) (b) of Regulation (EEC) No 4064/89, since, by acquiring 50,1 % of the shares in CEAc, Sicind would acquire control of CEAc.
- (7) The thresholds of Article 1 (2) of Regulation (EEC) No 4064/89 are met, since in 1989 the combined aggregate worldwide turnover of Fiat and CEAc was more than ECU 5 000 million and the aggregate Community-wide turnover of each was more than ECU 250 million, of which not more than two-thirds was achieved in 1989 within one and the same Member State.

V. RELEVANT PRODUCT MARKETS

- (8) According to the notification, the concentration affects the lead batteries sector, which must be divided into four separate product markets: the traction battery market, the stationary battery market, the original equipment (OE) market for starter batteries and the replacement market for starter batteries.
- (9) Traction batteries and stationary batteries, although both belonging to the industrial battery sector, differ from one another in terms of their techno-

logy, use and the customers for which they are intended.

- (10) In the case of starter batteries, the distinction between the OE market, in which the product is sold to motor vehicle manufacturers, and the replacement market is based not so much on a difference in the product itself or in the function of the product, but on the fact that the conditions of competition in the replacement market differ significantly from those in the market for original equipment. Supply to the OE market requires high technical capacity, intense research and development, 100 % reliability of the products, just-in-time delivery and supply certification granted by the car manufacturers. The existence of two separate markets for starter batteries is generally accepted in the industry. The Court of Justice has already drawn the distinction between the OE market and the replacement market in the case of truck tyres (Case No 322/81, *NV Nederlandsche Banden — Industrie Michelin v. Commission* [1983] ECR 3461).

VI. IMPACT OF THE CONCENTRATION IN FRANCE AND ITALY

- (11) In the case of stationary batteries and original equipment and replacement starter batteries, the concentration will result in an increase in market shares in France and Italy for the new entity.
- (12) In the case of traction batteries, the concentration will have a direct impact only in Italy, since Magneti Marelli operates only in that Member State.

VII. DECISIONS TAKEN BY THE COMMISSION DURING THE PROCEEDINGS

(a) *The decision to initiate proceedings*

- (13) After examination of the notification, the Commission concluded that, with the exception of the traction battery market, the notified operation raised serious doubts as to its compatibility with the common market. It therefore decided, on 21 January 1991, to initiate proceedings pursuant to Article 6 (1) (c) of Regulation (EEC) No 4064/89.

(b) *The statement of objections*

- (14) Following investigations carried out amongst a broad range of undertakings operating in the affected markets as competitors or customers, the Commission sent the parties, on 22 February 1991, a statement of objections in which it raised objections regarding the replacement market for starter batteries in France and Italy.

⁽¹⁾ OJ No L 122, 17. 5. 1991, p. 48.

(15) At a later stage, the objections relating to the replacement market for starter batteries in Italy were withdrawn by the Commission, which found that the concentration entailed a small increase in market share and that significant competitors were present on the market.

(16) As regards the replacement market for starter batteries in France, the objections set out in the statement of objections may be summarized as follows :

(a) there are in France sufficiently homogeneous conditions of competition which differ appreciably from the conditions of competition existing in the other Member States.

Two factors demonstrate this :

- as is evident from the information communicated by the parties and their competitors, manufacturers are able in France to charge, for the same types of batteries, different prices than those which they charge in the other Member States,
- the market shares of the manufacturers are very different in each Member State : thus, for example, CEAC has a market share of more than 40 % in France and a market share of less than 5 % in Germany.

These differences, which continue to exist despite the absence of any specific legal barriers, may be attributed to a range of causes :

- different requirements reflecting the different make-up of vehicle fleets and differences in the level of service required in the Member States,
- consumer preferences for well-known brands,
- major differences in the range of distribution channels, which entail costs for manufacturers having to adjust their commercial strategy to each country,
- the concentration of supply varies considerably from one Member State to another. The more supply is concentrated in one market, the more difficult it will be for actual or potential competitors to increase their market shares or to penetrate a market. The proposed concentration would mean a substantial increase in market shares in France, where the two parties already have the largest market shares ;

(b) the proposed concentration would give the new entity a dominant position, with the result that

effective competition would be significantly impeded, because of the following factors :

- the market share of the new entity would amount to some 60 % in France,
- the gap in relation to the next largest competitor would be considerable (of the order of 40 %),
- in addition, the financial strength of the new entity and that of its parent companies, and its greater access to the lead market, would also have to be taken into consideration,
- lastly, the main competitors having strong positions on their respective national markets would be tempted to refrain from competing, in particular since price competition is unreasonable on a mature market on which little production capacity is available.

It does not seem that the above factors can be offset by purchasing strength that could counterbalance the power of the new entity, since the largest of the numerous customers of the new entity achieve only a fraction of the new entity's turnover.

(17) The parties made known, at a hearing, their disagreement with the Commission's analysis in its statement of objections.

(c) *The opinion of the Advisory Committee*

(18) The Advisory Committee on Concentrations met on 30 April 1991 and delivered an opinion which supported the Commission's analysis.

VIII. AMENDMENTS MADE TO THE PROPOSED CONCENTRATION

(19) However, Fiat has informed the Commission that it has independently decided to amend the strategy underlying its establishment in France.

It will for this purpose, within an agreed period, undertake to reduce its majority holding in the capital of the Compagnie Française d'Électrochimie (CFEC) to 10 % and to reduce to one member its representation on the administrative or supervisory bodies of CFEC.

Before its acquisition by Magneti Marelli in 1990, CFEC was the second largest French battery manufacturer, concentrating its activities on starter batteries in France. It is well established on the French market, on which it has long-established business relationships and well-known brands. Virtually all of Magneti Marelli's market share in France, which was 18,4 % in 1990, is accounted for by the turnover of CFEC.

IX. IMPLICATIONS OF THE TRANSFER OF CFEC ON THE ANALYSIS OF THE COMPETITIVE SITUATION

- (20) The transfer by Fiat of its majority holding in CFEC's capital constitutes an important change in the facts of the concentration and has an influence on the assessment of the concentration on the relevant replacement market of starter batteries.

As a result of the transfer, the two largest French undertakings in the starter battery market are no longer involved in a concentration with one another. Consequently, the effects of the concentration in respect of:

- the combining of their market shares,
 - the combining of their distribution networks,
 - the combining of the best known French brands in the hands of a single undertaking,
- no longer apply.

This change in the facts of the proposed concentration leads the Commission to consider the concentration compatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The proposed concentration between Sicind and CEAc is hereby declared compatible with the common market, subject to the obligations set out in Article 2.

Article 2

The following obligations are attached to this Decision:

- (a) in accordance with a timetable agreed with the Commission, Fiat shall reduce its holding in the Compagnie Française d'Électro-chimie to 10 % and shall reduce to one member its representation on the administrative or supervisory bodies of the Compagnie Française d'Électro-Chimie;
- (b) Fiat shall not then increase its holding in the Compagnie Française d'Électro-chimie above the level referred to in (a) without the Commission's agreement;
- (c) for the purposes of this article, Fiat means:
 - (i) the Fiat group;
 - (ii) any company controlled by any part of the Fiat group;
 - (iii) any person acting on behalf of a company referred to in (i) and (ii).

Article 3

This Decision is addressed to:

Fiat SpA,
Corso Marconi 10,
I-10125 Torino;

Sicind SpA,
Corso Marconi 20,
I-10125 Torino;

Compagnie Européenne d'Accumulateurs (CEAc),
18 Quai de Clichy,
F-92111 Clichy Cedex.

Done at Brussels, 29 May 1991.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 19 July 1991

reallocating the sixth European Development Fund (EDF) appropriations not yet committed from non-programmable resources for the overseas countries and territories

(91/404/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, as last amended by Decision 91/312/EEC⁽²⁾, and in particular Article 137 (3) thereof,

Having regard to the 1985 Internal Agreement on the financing and administration of Community aid, hereinafter referred to as the 'Internal Agreement'⁽³⁾,

Whereas by Decision 86/283/EEC the Council granted certain appropriations to the overseas countries and territories, hereinafter referred to as the 'OCT', under the sixth European Development Fund; whereas there are among the non-programmable appropriations for emergency aid and aid for refugees and returnees outstanding balances totalling ECU 3 415 000 which have not yet been committed;

Whereas Decision 86/283/EEC provides that upon its expiry, on 30 June 1991, any appropriations which have not been committed shall be returned to the Fund proper to finance other schemes falling within the scope of financial and technical cooperation, unless the Council decides otherwise;

Whereas, in view of the prior agreements reached in the course of the Council's discussions on the seventh EDF, there is no need for the Council to decide otherwise; whereas the funds should be reallocated to the three OCT groups concerned in the same proportions as the programmable resources of the sixth EDF were allocated in June 1986;

Whereas it will then be necessary to carry out additional programming procedures with the relevant authorities of the OCT concerned for the additional amounts made available to them; whereas, in the interests of good management, this programming should be carried out at the same time as, and in a complementary manner to, the

programming exercise to be carried out for the seventh EDF pursuant to the new Decision on the association recently adopted by the Council,

HAS DECIDED AS FOLLOWS:

Article 1

In the framework of the appropriations provided for under the fifth EDF for overseas countries and territories, funds not committed from the appropriations relating to emergency aid and aid for refugees and returnees shall be transferred to the financing of projects and programmes to be implemented in the three OCT groups for which the Kingdom of the Netherlands, France and the United Kingdom have responsibility.

The funds shall be broken down as follows:

— United Kingdom OCT:	ECU 615 000,
— French OCT:	ECU 1 400 000,
— Dutch OCT:	ECU 1 400 000.

Article 2

The Chief Authorizing Officer of the EDF is hereby instructed to carry out with the relevant authorities of the countries and territories the additional programming procedures at the same time as, and in a complementary manner to, the programming exercise to be carried out for the seventh EDF.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 19 July 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 170, 29. 6. 1991, p. 13.

⁽³⁾ OJ No L 86, 31. 3. 1986, p. 210.