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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3067/91

of 21 October 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 2661/91⁽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 18 October 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 2661/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 October 1991.

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

Done at Brussels, 21 October 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 250, 7. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 21 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	121,53 ⁽²⁾ ⁽³⁾
0712 90 19	121,53 ⁽²⁾ ⁽³⁾
1001 10 10	173,57 ⁽¹⁾ ⁽³⁾
1001 10 90	173,57 ⁽¹⁾ ⁽³⁾
1001 90 91	149,89
1001 90 99	149,89
1002 00 00	161,41 ⁽⁶⁾
1003 00 10	137,99
1003 00 90	137,99
1004 00 10	124,64
1004 00 90	124,64
1005 10 90	121,53 ⁽²⁾ ⁽³⁾
1005 90 00	121,53 ⁽²⁾ ⁽³⁾
1007 00 90	133,45 ⁽⁴⁾
1008 10 00	49,99
1008 20 00	121,60 ⁽⁴⁾
1008 30 00	50,05 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	50,05
1101 00 00	222,85 ⁽⁸⁾
1102 10 00	238,98 ⁽⁸⁾
1103 11 10	282,22 ⁽⁸⁾
1103 11 90	240,17 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3068/91

of 21 October 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 18 October 1991;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 October 1991.

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

Done at Brussels, 21 October 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 21 October 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 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 3069/91

of 21 October 1991

on the supply of various consignments of white sugar as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 2 483 tonnes of sugar;

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;

Whereas, notably for logistical reasons, certain supplies were not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOTS A, B, C, and D

1. **Operation Nos** ⁽¹⁾: 42/91, 43/91, 44/91 and 45/91
2. **Programme**: 1991
3. **Recipient** ⁽¹²⁾: UNRWA Headquarters, Vienna International Centre, PO Box 700, A-1400 Vienna (telex 135310 UNRWA A)
4. **Representative of the recipient** ⁽²⁾:
 - Lots B and C: Latakia Port: UNRWA Field Supply and Transport Officer, Syrian Arab Republic PO Box 4313, Damascus, Syrian Arab
 - Lot D: Aqaba Port: UNRWA Field Supply and Transport Officer, Jordan, PO Box 484, Amman, Jordan
 - Lot A: Ashdod Port: UNRWA Field Supply and Transport Officer, West Bank, PO Box 19149, Jerusalem, Israel
5. **Place or country of destination**: Lot B: Lebanon; Lot C: Syrian Arab Republic; Lot D: Jordan; Lot A: Israel
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods**: see OJ No C 114, 29. 4. 1991, p. 1, (under V.A.1). Lots A and B ⁽³⁾; Lot C ⁽³⁾ ⁽⁴⁾; Lot D ⁽³⁾ ⁽⁶⁾.
8. **Total quantity**: 2 015 tonnes
9. **Number of lots**: four (Lot A: 1 037 tonnes; Lot B: 270 tonnes; Lot C: 240 tonnes; Lot D: 468 tonnes).
10. **Packaging and marking**: see O.J. No C 114, 29. 4. 1991 p. L (under V.A.2 en V.A.3) Lot A ⁽⁴⁾ ⁽¹⁰⁾ ⁽¹¹⁾ ⁽¹⁴⁾. Lots B and C ⁽⁴⁾ ⁽¹⁰⁾ ⁽¹⁴⁾; Lot D ⁽⁴⁾ ⁽¹⁶⁾.
Markings in English
Supplementary markings on the packaging: see Annex II
11. **Method of mobilization** ⁽⁷⁾: sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4) Lots A, C and D ⁽⁷⁾; Lot B ⁽⁷⁾ ⁽¹⁷⁾.
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lot A: Ashdod; Lots B and C: Latakia; Lot D: Aqaba
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20. 11 — 20. 12. 1991
18. **Deadline for the supply**: 15. 1. 1992
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders**: 5. 11. 1991 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19. 11. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment 3 where the supply is awarded at the port of shipment stage: 4. 12. — 3. 1. 1992
 - (c) deadline for the supply: 29. 1. 1992

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

- (a) deadline for the submission of tenders : 3. 12. 1991 at 12 noon
- (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 18. 12. — 17. 1. 1992.
- (c) deadline for the supply : 12. 2. 1992

22. Amount of the tendering security : ECU 15 per tonne

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

24. Address for submission of tenders :⁽⁹⁾

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⁽⁹⁾ : periodic refund applicable to white sugar on 31. 10. 1991, fixed by Commission Regulation (EEC) No 2961/91 (OJ No L 282, 10. 10. 1991, p. 9)

LOT E

1. **Operation No** ⁽¹⁾: 799/90
2. **Programme**: 1990
3. **Recipient** ⁽²⁾: (Mr Gaudé) UNHCR, Case Postale 2500, CH-1211 Geneva 2 Depot; tel. 739 84 80, telex 412404 UNHCR CH
4. **Representative of the recipient** ⁽²⁾:
Le délégué régional du HCR pour l'Afrique Occidentale BP 3125 / Place Bakou, km 2,5, route de Rufisque, Angle route de l'Arsenal, Colobane, Dakar, telex 21696 HCR SG; tel 00221 21 56 29; fax 22 55 09 (via UNDP)
5. **Place or country of destination**: Senegal
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.I)
8. **Total quantity**: 180 tonnes
9. **Number of lots**: One
10. **Packaging and marking** ⁽⁴⁾ ⁽⁵⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.2 and V.A.3)
Markings in French
Supplementary markings on the packaging: see Annex II
11. **Method of mobilization** ⁽⁷⁾: sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: UNHCR depot at Richard Toll
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20. 11 — 20. 12. 1991
18. **Deadline for the supply**: 15. 1. 1992.
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders**: 5. 11. 1991 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19. 11. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 4. 12 — 3. 1. 1992
 - (c) deadline for the supply: 29. 1. 1992**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 3. 12. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 18. 12. — 17. 1. 1992
 - (c) deadline for the supply: 12. 2. 1992

22. Amount of the tendering security: ECU 15 per tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ecus
24. Address for submission of tenders⁽⁹⁾:
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⁽⁹⁾: periodic refund applicable to white sugar on 31. 10. 1991 fixed by Commission Regulation (EEC) No 2961/91 (OJ No L 282, 10. 10. 1991, p. 9)

LOT F

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1991
3. **Recipient** ⁽¹²⁾: Euronaid, Rijngeesterstraatweg 40, Postbus 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1, (under V.A.1.)
8. **Total quantity**: 288 tonnes
9. **Number of lots**: One (five parts: F1: 18 tonnes; F2: 18 tonnes; F3: 162 tonnes; F4: 60 tonnes; F5: 30 tonnes)
10. **Packaging and marking**: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A.2 and V.A.3). F1 and F2 ⁽⁴⁾ ⁽¹³⁾ ⁽¹⁵⁾ ⁽¹⁶⁾; F3, F4 and F5 ⁽⁴⁾ ⁽¹³⁾
Markings in French, English, Portuguese, Spanish
Supplementary markings on the packaging: see Annex II
11. **Method of mobilization** ⁽⁷⁾: sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
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**: 20. 9 - 20. 10. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders**: 5. 11. 1991 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 19. 11. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment: 4. 12. 1991 - 3. 1. 1992
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 3. 12. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment: 18. 12. 1991 - 17. 1. 1992
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁹⁾:

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** ⁽⁹⁾: periodic refund applicable to white sugar on 31. 10. 1991, fixed by Commission Regulation (EEC) No 2961/91 (OJ No L 282, 10. 10. 1991, p. 9)

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 beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

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

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

- phytosanitary certificate,
- certificate of origin.

- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of these Annexes, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of these Annexes,
 - 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.
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) 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 these Annexes.
- (⁷) The rule provided at the second indent of Article 18 (2) (a) Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
- (⁸) Manufacturing and expiration dates must be printed on each individual bag.
- (⁹) The phytosanitary certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including a statement that consular fees and charges have been paid.
- (¹⁰) The contracted shipping terms shall be considered full liner terms (liner in/liner out) free Ashdod/Latakia, container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
- (¹¹) Ashdod : Consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.
- (¹²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (¹³) The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (¹⁴) Shipment to take place in 20-foot containers, conditions FCL/LCL. Shippers-count-load and stowage (cls).

- (¹⁵) The successful tenderer has to submit to the recipient's agent complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer, number of which to be provided to the beneficiary's forwarder.

- (¹⁶) Shipment to take place in 20-foot containers, condition FCL/LCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

- (¹⁷) The bill of lading must indicate 'Latakai for Lebanon — goods in transit.'

- (¹⁸) To be delivered on standard pallets — wrapped in shrunk plastic cover, with three external nylon straps in each direction to secure the unit-load.
-

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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	1 037		UNRWA	Israel	Action No 42/91 / Gift to UNRWA to Palestine refugees / Ashdod
B	270		UNRWA	Lebanon	Action No 43/91 / Gift to UNRWA to Palestine refugees / Latakia for Lebanon
C	240		UNRWA	Syria	Action No 44/91 / Gift to UNRWA to Palestine refugees / Latakia
D	468		UNRWA	Jordan	Action No 45/91 / Gift to UNRWA to Palestine refugees / Aqaba / Expiry date :
E	180		UNHCR	Sénégal	Action n° 799/90 / Programme du HCR pour les réfugiés / Sénégal
F	288	F 1 : 18	Caritas Germany	Niger	Action n° 672/91 / Niger / Caritas Allemagne / 910426 / Niamey via Lomé / Pour distribution gratuite
		F 2 : 18	Oikos	Angola	Acção n° 673/91 / Angola / Oikos / 916703 / Malanje via Luanda / Destinado a distribuição gratuita
		F 3 : 162	Oxfam Belgium	Nicaragua	Acción n° 674/91 / Nicaragua / Oxfam B / 910810 / Managua via Corinto / Destinado a la distribución gratuita
		F 4 : 60	Caritas Germany	Ethiopia	Action No 675/91 / Ethiopia / Caritas Germany / 910418 / Addis Ababa via Assab / For free distribution
		F 5 : 60	Caritas Germany	Ethiopia	Action No 676/91 / Ethiopia / Caritas Germany / 910419 / Asmara via Massawa / Option Assab / For free distribution

COMMISSION REGULATION (EEC) No 3070/91

of 21 October 1991

on the supply of various consignments of cereals as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 1 424 tonnes of cereals;

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;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation Nos** ⁽¹⁾: 655/91, 656/91, 657/91 and 658/91
2. **Programme**: 1991
3. **Recipient** ⁽²⁾: Euronaid, Rhijngesteerstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽²⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.I (a))
8. **Total quantity**: 820 tonnes (1 123 tonnes of cereals)
9. **Number of lots**: one (in four parts: A1: 20 tonnes; A2: 340 tonnes; A3: 80 tonnes; A4: 380 tonnes)
10. **Packaging and marking** ⁽³⁾ ⁽⁸⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (d) and II.B.3)
Markings in French and Spanish
Supplementary markings on packaging: see Annex II
11. **Method of mobilization** ⁽⁹⁾: the Community market
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**: 1. 12 — 23. 12. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 5. 11. 1991
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 19. 11. 1991
 - (b) period for making the goods available at the port of shipment: 14. 12 — 10. 1. 1992
 - (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 3. 12. 1991
 - (b) period for making the goods available at the port of shipment: 10. 1. 1992 — 24. 1. 1992
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁷⁾: 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 31. 10. 1991, fixed by Commission Regulation (EEC) No 2854/91 (OJ No L 272, 28. 9. 1991, p. 70)

LOT B

1. **Operation Nos** (¹): 659/91, 660/91, 661/91 and 662/91
2. **Programme**: 1991
3. **Recipient** (²): Euronaid, Rijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (³) (⁴) (⁵): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1 (a))
8. **Total quantity**: 220 tonnes (301 tonnes of cereals)
9. **Number of lots**: one (in four parts: B1: 54 tonnes; B2: 26 tonnes; B3: 40 tonnes; B4: 100 tonnes)
10. **Packaging and marking** (⁶): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (d) and II.B.3)
Markings in English
Supplementary markings on packaging: see Annex II
11. **Method of mobilization** (⁷): the Community market
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**: 1. 12 — 23. 12. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 5. 11. 1991
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 19. 11. 1991
 - (b) period for making the goods available at the port of shipment: 14. 12 — 10. 1. 1992
 - (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 3. 12. 1991
 - (b) period for making the goods available at the port of shipment: 10. 1. 1992 — 24. 1. 1992
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (⁸): 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** (⁹): refund applicable on 31. 10. 1991, fixed by Commission Regulation (EEC) No 2854/91 (OJ No L 272, 28. 9. 1991, p. 70)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) The successful tenderer shall deliver to the beneficiary 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.
- (³) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
or by telecopier on one of the following numbers in Brussels :
— 235 01 32,
— 236 10 97,
— 235 01 30,
— 236 20 05,
— 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 this Annex.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
— phytosanitary certificate,
— certificate of origin.
- (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁸) Lot A. The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (⁹) The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (¹⁰) Radiation certificate must be issued by official authorities and be legalized for : Sudan. The radioactivity certificate must indicate the caesium-134 and -137 and iodine 131 levels.
- (¹¹) Shipment to take place in 20-foot containers, condition FLC/LCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of cartons belonging to each shipping number as specified in the invitation to tender.
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ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total de la partida (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	820	A 1 : 20	Prosalus	Bolivia	Acción nº 655/91 / Bolivia / Prosalus / 915511 / Sucre via Arica / Destinado a la distribución gratuita
		A 2 : 340	Protos	Haiti	Action nº 656/91 / Haïti / Protos / 911510 / Port-au-Prince / Pour distribution gratuite
		A 3 : 80	PDF	République Centrafica	Action nº 657/91 / République Centrafricaine / 917104 / Bouar via Douala / Pour distribution gratuite
		A 4 : 380	Caritas Belgica	Burundi	Action nº 658/91 / Burundi / Caritas B / 910236 / Bujumbura via Monbasa / Pour distribution gratuite
B	220	B 1 : 54	Caritas Germany	Ethiopia	Action No 659/91 / Ethiopia / Caritas Germany / 910423 / Addis Ababa via Assab / For free distribution
		B 2 : 26	Caritas Germany	Ethiopia	Action No 660/91 / Ethiopia / Caritas Germany / 910424 / Asmara via Massawa / Option Assab / For free distribution
		B 3 : 40	Prosalus	Ethiopia	Action No 661/91 / Ethiopia / Prosalus / 915550 / Shanshamane via Assab / For free distribution
		B 4 : 100	Cafod	Sudan	Action No 662/91 / Sudan / Cafod / 917606 / Khartoum via Port Sudan / For free distribution

COMMISSION REGULATION (EEC) No 3071/91

of 21 October 1991

amending Regulation (EEC) No 610/77 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 12 (7) thereof,

Whereas Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽³⁾, as last amended by Regulation (EEC) No 1614/91 ⁽⁴⁾, establishes the list of representative markets in the Member States where the price of adult bovine animals are recorded;

Whereas, owing to the trend in livestock offered on certain markets in Northern Ireland, the list of representative markets and the weighting coefficients for the various categories of adult bovine animals should be amended; whereas Annex II to Regulation (EEC) No 610/77 should accordingly be adapted;

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

Regulation (EEC) No 610/77 is hereby amended as follows:

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

Done at Brussels, 21 October 1991.

1. point J.1 (b) of Annex II is replaced by the following:

'(b) Northern Ireland

Clogher:	Cows; steers, light, medium and heavy; and heifers, light and medium/heavy;
Markethill:	Cows; steers, light, medium and heavy; and heifers, light and medium/heavy;
Strabane:	Steers, light, medium and heavy; and heifers, light and medium/heavy;
Cullybackey:	Cows; steers, light, medium and heavy; and heifers, light and medium/heavy;

2. point J.2 (b) of Annex II is replaced by the following:

'(b) Northern Ireland:

Steers:	50
Heifers:	26
Cows:	24.

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 149, 14. 6. 1991, p. 29.

COMMISSION REGULATION (EEC) No 3072/91

of 21 October 1991

amending Regulation (EEC) No 3668/90 laying down implementing procedures for the import arrangements applicable to products falling within CN codes 0714 10 91, 1714 10 99, 0714 90 11 and 0714 90 19 originating in the present Contracting Parties to the GATT other than Thailand

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

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to certain products falling within CN codes 0714 10 and 0714 90 and originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3842/90⁽²⁾, and in particular Article 2 thereof,

Whereas, under the import arrangements provided for in Commission Regulation (EEC) No 3668/90⁽³⁾, as amended by Regulation (EEC) No 1680/91⁽⁴⁾, Indonesia undertook to act in administrative cooperation with the Commission staff in order to ensure that trade in the products in question proceeds smoothly;

Whereas, in this framework and for the sake of harmonization, the certificate of origin (Form B) currently used for imports of manioc and similar products originating in Indonesia should be replaced by the certificate of origin generally applicable under special non-preferential import

arrangements set out in the Annex to Commission Regulation (EEC) No 3850/89⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 3668/90 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply to import licence applications covering imports from 1 January 1992.

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽³⁾ OJ No L 356, 19. 12. 1990, p. 18.

⁽⁴⁾ OJ No L 154, 18. 6. 1991, p. 5.

⁽⁵⁾ OJ No L 374, 22. 12. 1989, p. 8.

ANNEX

ANNEX I

1 Consignor	CERTIFICATE OF ORIGIN for imports of agricultural products into the European Economic Community No ORIGINAL	
2 Consignee (optional)	3 ISSUING AUTHORITY	
	4 Country of origin	
NOTES A. The certificate must be completed in typescript or by means of a mechanical data-processing system, or similar procedure. B. The original of the certificate must be lodged together with the declaration of release for free circulation with the relevant customs office in the Community.	5 Remarks	
6 Item number — Markings and numbers — Number and kind of packages — DESCRIPTION OF GOODS		7 Gross and net mass (kg)
8 THIS IS TO CERTIFY THAT THE ABOVE PRODUCTS ORIGINATE IN THE COUNTRY INDICATED IN BOX 4 AND THAT THE INDICATIONS IN BOX 5 ARE CORRECT. Place and date of issue Signature Issuing authority's stamp		
9 RESERVED FOR THE CUSTOMS AUTHORITIES IN THE COMMUNITY		

COMMISSION REGULATION (EEC) No 3073/91
of 21 October 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applicable to trade in agricultural products between Spain and Portugal⁽¹⁾, as last amended by Commission Regulation (EEC) No 3296/88⁽²⁾, and in particular Article 13 thereof,

Having regard to Council Regulation (EEC) No 3640/90 of 11 December 1990 determining the general rules for the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal⁽³⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3814/90⁽⁴⁾, as last amended by Regulation (EEC) No 1767/91⁽⁵⁾, lays down the accession compensatory amounts for milk and milk products in trade between Spain and Portugal applicable from 17 June 1991;

Whereas a mistake involving references to footnotes in respect of CN codes 0405, 0405 00 10 and 0405 00 90 appears in the Annex to Regulation (EEC) No 3814/90; whereas the necessary corrections should be made, to apply from 17 June 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3814/90, the entries opposite CN codes 0405, 0405 00 10 and 0405 00 90 are hereby replaced by the following:

CN code	Description	Compensatory amount ECU/100 kg net weight (except where otherwise indicated)
0405	Butter and other fats and oils derived from milk:	
0405 00 10	— of a fat content, by weight, not exceeding 85 %:	
	— — of a fat content, by weight, of less than 80 %:	0,1184 (7) ⁽⁶⁾
	— — of a fat content, by weight:	
	— — — of at least 80 %, but less than 82 %	9,30 ⁽⁶⁾
	— — — of at least 82 %, but less than 84 %	9,71 ⁽⁶⁾
	— — — of at least 84 %	0,1184 (7) ⁽⁶⁾
0405 00 90	other	0,1184 (7) ⁽⁶⁾

Article 2

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

It shall apply from 17 June 1991.

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 362, 27. 12. 1990, p. 3.

⁽⁴⁾ OJ No L 366, 29. 12. 1990, p. 24.

⁽⁵⁾ OJ No L 158, 22. 6. 1991, p. 42.

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3074/91

of 21 October 1991

fixing for the 1991/92 marketing year the minimum purchase price for oranges, mandarins, satsumas and clementines delivered for processing and the financial compensation payable after processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of mandarins, satsumas, clementines and oranges ⁽¹⁾, as last amended by Regulation (EEC) No 3848/89 ⁽²⁾, and in particular Article 2 (3) thereof,

Whereas, pursuant to Article 2 of Regulation (EEC) No 2601/69, the minimum price which processors must, under the terms of the contracts, pay to producers is to be fixed, for each of the products in question, on the basis of the highest withdrawal price applying during periods of major withdrawals; whereas major withdrawals are carried out from January to April for oranges, in January and February for mandarins, in November and December for satsumas and in December and January for clementines; whereas, in the case of Spain and Portugal, the withdrawal prices to be used are those valid in these Member States in the current marketing year;

Whereas, pursuant to the second subparagraph of Article 3 (1) of the said Regulation, financial compensation for oranges may not exceed the difference between the minimum price and the prices obtaining for the raw material in third producer countries;

Whereas, pursuant to the third subparagraph of Article 3 (1) of the said Regulation, the financial compensation for mandarins, satsumas and clementines intended for processing into juice is to be fixed at a level such that for each of those products the burden on the industry is equal to the burden on the industry for oranges, taking account of differences in juice yields;

Whereas the arrangements applicable where a product harvested in Spain or Portugal is processed in another Member State should be specified owing to the varying amounts fixed for those Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year, the minimum prices to be paid to producers delivering oranges, mandarins, satsumas or clementines for processing under the terms of

contracts within the meaning of Article 2 of Regulation (EEC) No 2601/69 are hereby fixed as follows:

(ECU/100 kg net)

Product	Spain	Portugal	Other Member States
Oranges	13,16	12,02	14,13
Mandarins	11,69	14,26	14,26
Satsumas	6,54	6,54	6,54
Clementines	11,44	11,44	11,44

These minimum prices shall be for goods ex-producers' packing stations.

Article 2

For the 1991/92 marketing year, the financial compensation granted to processors following the processing of oranges, mandarins, clementines or satsumas delivered under the terms of contracts within the meaning of Article 2 of Regulation (EEC) No 2601/69 is hereby fixed as follows:

(ECU/100 kg net)

Product	Spain	Portugal	Other Member States
Oranges	10,33	9,19	11,3
Mandarins	9,57	12,14	12,14
Satsumas	4,42	4,42	4,42
Clementines	9,32	9,32	9,32

The above fixed amounts for satsumas and clementines shall also apply for processing of these products to canned segments.

Article 3

The amounts fixed in Articles 1 and 2 shall apply only to products which satisfy at least the quality and minimum size requirements laid down for Class III.

Article 4

The minimum price and the financial compensation applicable shall be those in force in the Member State in which the product was harvested.

Article 5

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

⁽¹⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 6.

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3075/91**of 21 October 1991****opening a standing invitation to tender for the export of 500 000 tonnes of common wheat held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3653/90 ⁽²⁾, and in particular Article 7 (5) thereof,

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

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

Whereas on 17 October 1991 Germany notified the Commission that it wished to put up for sale for export to the Soviet Union 500 000 tonnes of common wheat held by its intervention agency; whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

The German intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 500 000 tonnes of common wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of common wheat to be exported to the Soviet Union.

2. The regions in which the 500 000 tonnes of common wheat are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until 31 December 1991.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates under Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 1836/82 the time limit for submission of tenders under the first partial invitation to tender shall expire on 23 October 1991 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 1 p.m. (Brussels time).

3. The last partial invitation to tender shall expire on 27 November 1991.

4. The tenders shall be lodged with the German intervention agency.

Article 5

The German intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II to this Regulation.

Article 6

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

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 362, 27. 12. 1990, p. 28.
⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 249, 12. 9. 1990, p. 8.

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

Done at Brussels, 21 October 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Niedersachsen / Bremen	2 100
Nordrhein-Westfalen	7 100
Hessen	1 100
Bayern	5 500
Berlin / Brandenburg	50 000
Mecklenburg-Vorpommern	50 000
Sachsen	79 200
Sachsen-Anhalt	125 000
Thüringen	180 000

ANNEX II

Standing invitation to tender for the export of 500 000 tonnes of common wheat held by the German intervention agency

(Regulation (EEC) No 3075/91)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (1)	Price increases (+) or reductions (—) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

COMMISSION REGULATION (EEC) No 3076/91

of 21 October 1991

opening a standing invitation to tender for the export of 700 000 tonnes of barley held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3653/90 ⁽²⁾, and in particular Article 7 (5) thereof,

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

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

Whereas on 17 October 1991 Germany notified the Commission that it wished to put up for sale for export to the Soviet Union 700 000 tonnes of barley held by its intervention agency; whereas it is possible to accede to that request;

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

HAS ADOPTED THIS REGULATION:

Article 1

The German intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 700 000 tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 700 000 tonnes of barley to be exported to the Soviet Union.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 362, 27. 12. 1990, p. 28.
⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 249, 12. 9. 1990, p. 8.

2. The regions in which the 700 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until 31 March 1992.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates under Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 1836/82 the time limit for submission of tenders under the first partial invitation to tender shall expire on 23 October 1991 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 1 p.m. (Brussels time).

3. The last partial invitation to tender shall expire on 27 November 1991.

4. The tenders shall be lodged with the German intervention agency.

Article 5

The German intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II to this Regulation.

Article 6

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

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Place of storage	Quantity (tonnes)
Berlin / Brandenburg	120 400
Mecklenburg-Vorpommern	45 000
Sachsen-Anhalt	200 000
Thüringen	163 200
Sachsen	145 000
Bremen / Niedersachsen	17 000
Hessen	9 400

ANNEX II

Standing invitation to tender for the export of 700 000 tonnes of barley held by the German intervention agency

(Regulation (EEC) No 3076/91)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (¹)	Price increases (+) or reductions (—) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(¹) This price includes the increases or reductions relating to the lot to which the tender refers.

COMMISSION REGULATION (EEC) No 3077/91

of 21 October 1991

introducing a new corrective amount on the import of cucumbers into the Community of Ten from Spain and repealing Regulation (EEC) No 3012/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain⁽¹⁾, and in particular Article 4 (2) thereof,

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

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

Whereas Commission Regulation (EEC) No 221/91⁽²⁾ fixed, for the 1991 marketing year, the Community offer price for cucumbers applicable with regard to Spain;Whereas Commission Regulation (EEC) No 3815/89⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain;Whereas, in the case of cucumbers, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 results in the fixing of a higher corrective amount than that laid down by Commission Regulation (EEC) No 3042/91 of 15 October 1991 introducing a countervailing charge on cucumbers originating in Spain⁽⁴⁾;

Whereas, pursuant to Article 5 of Regulation (EEC) No 3709/89, a new corrective amount should be fixed and Regulation (EEC) No 3012/91 should be repealed;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of cucumbers (CN codes 0707 00 11 and 0707 00 19) from Spain a corrective amount of ECU 13,83 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 22 October 1991.

Regulation (EEC) No 3012/89 is repealed from the same date.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 26, 31. 1. 1991, p. 26.

⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 286, 16. 10. 1991, p. 27.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3078/91

of 21 October 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 3047/91⁽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 18 October 1991,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 October 1991.

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

Done at Brussels, 21 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 16.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 26.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	37,48 ⁽¹⁾
1701 11 90	37,48 ⁽¹⁾
1701 12 10	37,48 ⁽¹⁾
1701 12 90	37,48 ⁽¹⁾
1701 91 00	43,08
1701 99 10	43,08
1701 99 90	43,08 ⁽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 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 July 1991

declaring the compatibility with the common market of a concentration

(Case No IV/M068 — Tetra Pak/Alfa-Laval)

Council Regulation (EEC) No 4064/89

(Only the English text is authentic)

(91/535/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 19 March 1991 to initiate proceedings in this case,

After consulting the Advisory Committee on Concentrations⁽²⁾,

Whereas :

I. THE NATURE OF THE PROCEEDING

This proceeding concerns a concentration which was notified to the Commission pursuant to Article 4 of Council Regulation (EEC) No 4064/89. The notification became effective on February 18 1991. The concentration consists of the proposed acquisition by Tetra Pak Interna-

tional SA of all the share capital of Alfa-Laval AB by way of public bid.

II. THE PARTIES

In 1989, the last financial year for which figures are available, Tetra Pak (Switzerland) had a world-wide turnover of ECU 3 218 million, of which ECU 1 645 million was generated in the Community. Tetra Pak's activity is limited to systems for packaging liquid food products.

Two main categories of liquid packaging machines are produced by Tetra Pak : those used for packaging liquid under aseptic (sterile) conditions, and those used for packaging liquid for pasteurized milk and freshly squeezed fruit juice.

Alfa-Laval AB is a Swedish company, quoted on the Stockholm stock exchange. In 1989, the last year for which figures are available, it had a world-wide turnover of ECU 2 145 million, of which ECU 780 million was generated in the Community.

Alfa-Laval is one of the world's leading manufacturers of processing equipment. Its activities may be divided into three separate areas :

— *industry* : Alfa-Laval produces five main types of industrial processing equipment : automation, dosing and analysing, flow equipment, separation and thermal equipment ;

⁽¹⁾ OJ No L 395, 30. 12. 1989, p. 1, rectified version

OJ No L 257, 21. 9. 1990, p. 13.

⁽²⁾ OJ No C 275, 22. 10. 1991, p. 6.

- *food*: Alfa-Laval produces almost all types of machines used in the food-processing industry. These products are used for the manufacture, storage, pasteurization, etc. of dairy products, fruit juices, oils and fats, wines and beers, fish and meat and a wide range of other foods;
- *agricultural equipment*: Alfa-Laval is a leading producer of processing and control equipment in this sector.

III. CONCENTRATION WITH A COMMUNITY DIMENSION

The implementation of Tetra Pak's public bid to purchase the entire share capital of Alfa-Laval would constitute a concentration within the meaning of Article 3 (1) (b) of Regulation (EEC) No 4064/89, hereinafter referred to as the Regulation. The thresholds set out in Article 1 (2) of the Regulation are also met, and the parties do not achieve more than two-thirds of their aggregate Community-wide turnover within one and the same Member State. The notified operation therefore has a Community dimension.

IV. ANALYSIS

A. Introduction

The Commission has examined the horizontal and vertical relationships between the product ranges of Alfa-Laval and Tetra Pak. These are limited to the following:

- the only horizontal effect that would result from the concentration relates to the packaging of liquid soups. Both companies have a process capable of being used for this operation;
- in vertical terms, Alfa-Laval sells technical engineering services for the machine industry, stainless steel pipes, valves and clamps, and heat exchangers. These products are used by Tetra Pak in the manufacture of its packaging machines.

Due to the very limited overlap between these two companies in these respects and their very limited market positions in the sectors identified above, the Commission considers that in relation to the horizontal and vertical overlap between the product ranges of the two companies the operation does not raise any problems with regard to its compatibility with the common market.

However, although technically speaking the vertical relationships between Tetra Pak and Alfa-Laval are limited to

those set out above, the two companies do produce equipment that has a certain complementarity from the point of view of the consumer. Alfa-Laval produces all equipment used for processing milk and juice until it is packaged. Tetra Pak produces the machines used to package the milk/juice. The merged undertaking would therefore be able to offer a fuller product range now covering all machines used by the dairy/juice producer.

The need to fully determine the nature and extent of the potential effects flowing from this vertical complementarity was the reason leading the Commission to open proceedings in this case, pursuant to Article 6 (1) (c) of the Regulation, on March 19 1991. In particular, in the decision opening proceedings, the Commission identified the following matters which required in-depth investigation:

- (i) if the ability to offer a fuller product range than its actual or potential competitors constituted a significant advantage to Tetra Pak in its future sales of packaging machines, this might create or strengthen dominant positions on the markets for such machines and their respective cartons. This question was considered to merit particularly careful scrutiny given Tetra Pak's existing very high market shares in the various markets for packaging and cartons;
- (ii) in its sales of milk/juice processing equipment the merged company would also acquire the possibility of offering a fuller product range, including both processing and packaging equipment. Were this to constitute a significant advantage when selling processing equipment the operation might create or strengthen dominant positions on the markets for the various types of processing machines.

B. Effects of the concentration on Tetra Pak's operations

1. Introduction

The Commission has examined the effects of the concentration on the following markets in which Tetra Pak is active. The Commission considers that these markets constitute relevant product markets for the purpose of analysing the concentration pursuant to the Regulation:

- the market for machines used for the packaging of liquid foods in cartons under aseptic conditions and the market for the cartons used by such machines;
- the market for machines used for the packaging of liquid foods in cartons under non-aseptic conditions and the market for the cartons used by such machines.

2. Definition of the relevant market

Aseptic packaging machines using cartons are technically advanced machines that are able to package aseptic liquids or semi-liquids into carton boxes whilst ensuring that no micro-organisms are introduced into the liquid in question. The machines are at present used to a large extent to package milk treated by the UHT (Ultra high temperature) process and aseptically treated juices.

Possible substitutes for such machines that have been examined by the Commission are the following:

- aseptic packaging machines using other packaging mediums such as glass or plastic;
- non aseptic packaging machines using carton, glass or plastic.

These are the closest possible substitutes for the market as defined. If these products do not form part of the relevant market for the purposes of the examination of the notification it is unnecessary to examine even less perfect substitutes for the product such as metal cans.

In order to assess whether the above mentioned possible substitutes for aseptic carton packaging machines in fact constitute reasonable alternatives, the Commission has undertaken a widespread inquiry. This has involved the sending of a detailed questionnaire to a large number of dairies situated throughout the Community as well as the principal competitors of Alfa-Laval and Tetra Pak and to Alfa-Laval and Tetra Pak themselves.

2.1. Non-aseptic packaging machines are not reasonable substitutes for aseptic packaging machines

The following elements show that the demand elasticity between these two categories is low, and thus they do not represent reasonable substitutes for each other:

(i) Nature of the end-product: shelf-life

Liquids that are packaged aseptically will have a much longer shelf-life than those packaged non-aseptically. Typically aseptic milk will last six months whilst non-aseptically treated milk will last less than one month.

(ii) Distribution method

The difference in the shelf-life and stability between the aseptically and non-aseptically packaged product has significant repercussions on distribution methods. Non-aseptically packaged juice and milk must at all times be kept refrigerated. Aseptically packaged products require no such care. This is one reason why it is very difficult for purchasers of the end product to switch orders from aseptically packaged products to non-aseptic ones in the short to medium term in response to a small but significant price rise. To undertake such a substitution they would also have to invest in new or additional refrigerated distribution and/or sales facilities.

(iii) Taste

Non-aseptically packaged liquids are more expensive than aseptically packaged ones due largely to higher distribution, storage, wastage and display costs. This is an indication that the nature of the finished product in taste terms and not the nature of the packaging process is of principal importance to a purchaser of the final product.

- (iv) The packaging process accounts for no more than 10 % of final product price for milk and juice. Thus, a 10 % rise in the total cost of packaging (machine and carton) could result in only a 1 % price increase in the final product price. As explained above, final customers and retailers view aseptic and non-aseptic end products only to a partial extent substitutable for each other, *inter alia* for reasons not connected to price. Thus, a very large price rise in packaging cost for aseptic systems would be necessary to cause a significant shift in demand by retailers from aseptic liquid to non-aseptic liquid and thereby in due course from aseptic packaging machines to non-aseptic machines.

- (v) As part of its investigations the Commission asked a large number of dairies and aseptic and non-aseptic packaging machine suppliers to state the expected response to an increase in price in the aseptic packaging machine sector in general. Their replies indicate that the price-elasticity of demand between aseptic and non-aseptic packaging machines is very low. Over 75 % of respondents considered that a price increase of greater than 20 % would be necessary to lead them to change future purchasing plans from aseptic to non-aseptic packaging systems.

In the light of the above the Commission concludes that non-aseptic packaging machines do not represent a realistic and reasonable substitute for aseptic packaging machines.

2.2. Aseptic packaging machines using packaging mediums other than carton are not reasonable substitutes for carton-based systems

Aseptic liquids packaged in cartons represent over 90 % of total aseptically packaged liquids. However, it is possible to package aseptic liquids in plastic or glass. Thus the Commission has examined to what extent these packaging methods represent reasonable substitutes for carton aseptic packaging. All the information available to the Commission indicates that these products do not form part of the relevant product market or markets for the purposes of this case and represent rather imperfect substitutes for carton packaging systems. The reasons for this are as follows:

(i) Physical characteristics of the package

Carton-packaged aseptic products are produced in 'bricks' (rectangular) form. This means that they can be transported, displayed and stored in a much smaller area than glass or plastic bottles. Furthermore, as a carton package is much lighter than a glass bottle, and takes up less space than a glass or plastic bottle, transport costs are lower for carton than for glass or plastic packaging.

(ii) Environmental concerns

Glass bottles might be considered to benefit from a better environmental profile than cartons. The Commission has therefore examined whether one might expect carton packaging systems to be replaced by glass bottling systems in the foreseeable future for environmental reasons and has concluded that this will not be the case. Replies to the Commission's questionnaire indicate that purchasers/lessees and producers of packaging machines do not expect such substitution in the near future.

(iii) As explained above, packaging costs represent a small part of the total retail cost of aseptically packaged liquids. Thus, a decision by a retailer to purchase a liquid packaged in one or other medium will therefore be affected to a limited extent by a small but significant price increase in carton aseptic packaging systems.

(iv) Dairies and packaging machine manufacturers were asked a number of questions to determine the extent to which a significant price rise in aseptic carton packaging systems would result in a significant demand shift to non-carton aseptic packaging

systems. The replies indicate that the demand price-elasticity between these product categories is very low. Over 75 % of respondents considered that a price increase of greater than 20 % would be necessary to lead them to change future purchasing plans from aseptic carton to aseptic glass or plastic packaging systems.

In the light of the above, the Commission concludes that aseptic plastic and glass packaging machines do not constitute part of the same product market as aseptic carton packaging machines for the purpose of the examination of the notification.

2.3. The geographic reference market

Aseptic packaging machines of Tetra Pak and its principal competitor, PKL Verpackungssysteme GmbH, are sold throughout the Community. As far as the Commission is aware there are no significant differences in the type and nature of the machines that Tetra Pak and PKL supply in different parts of the Community. Similar distribution systems are used by the companies for their machines throughout the Community. The Commission therefore concludes that the conditions of competition throughout the Community for the products in question are sufficiently homogeneous to assume that the geographic reference market for the purpose of examining the concentration is the Community as a whole.

3. Dominant position

3.1. Introduction

In determining whether Tetra Pak holds a dominant position on the relevant product markets as defined above, the Commission has examined a number of factors set out in Article 2 (1) of the Regulation as pertinent to such an analysis.

3.2. Market shares

Tetra Pak has at present a market share exceeding 90 % of the market for the leasing/sale of aseptic carton packaging machines. Tetra Pak has held such a market share for a considerable period of time.

3.3. Size and importance of existing competitors

A market share as high as 90 % is, in itself, a very strong indicator of the existence of a dominant position. However, in certain rare circumstances even such a high market share may not necessarily result in dominance. In particular, if sufficiently active competitors are present on

the market, the company with the large market share may be prevented from acting to an appreciable extent independently of the pressures typical of a competitive market.

The Commission has identified only one actual competitor of Tetra Pak on the relevant market, PKL. However, PKL is a small company with limited financial and material assets. Thus, even were PKL to be considered as an effective competitor of Tetra Pak, it would be unable to meet orders in the short term for a significant part of the market. The inability to act quickly to a change in demand limits PKL's role as a real restraint on Tetra Pak's commercial freedom. Furthermore, the machines of Tetra Pak and PKL are significantly different in technical terms. In particular, Tetra Pak's continuous roll machine offers increased convenience in handling carton blanks for packaging liquids but is unable to package liquids containing particulates.

3.4. Supply-side substitutability — barriers to entry

The Commission has also examined the potential entrants into the relevant product and geographic reference market, to determine whether the threat of entry is sufficiently intense to deprive Tetra Pak of the ability to act to an appreciable extent independently of the market pressure that is characteristic of dominance.

Although the Commission has identified at least one potential entrant it considers that the barriers to entry are sufficiently high to prevent that, and other, potential entrants from significantly limiting Tetra Pak's freedom of action, at least in the short term. The reasons for this view are as follows:

- Tetra Pak owns many patents useful for the production of an aseptic carton packaging machine. These valuable patents are not available to other potential entrants;
- replies to the Commission's questionnaire indicate that one of the factors foremost in the mind of a potential purchaser of a carton aseptic packaging machine in deciding which machine to purchase is whether the manufacturer in question has a proven track record. Because a breakdown in a packaging machine's sterility can lead to the production of unsaleable milk involving considerable financial loss before the fault becomes apparent, a machine manufacturer's ability to demonstrate a proven track record regarding the sterility of the end product is very

important. Replies to the questionnaire indicate that the dairies consider Tetra Pak to have such a proven track record. This will make it very difficult, at least in the short term, for a new manufacturer to enter the market;

- a carton aseptic packaging machine is a very complex piece of machinery and considerable specialized know-how and resources would need to be invested to enter the market. Because of the maturity of the market and its inbuilt conservative nature (see above) a potential entrant faces considerable risk that the investment outlay will exceed returns. These factors can be expected to diminish the likelihood of entry in the near future.

To the Commission's knowledge, with the exception of Elopak/Shikoku, there are no manufacturers of aseptic carton packaging machines trading actively outside the Community that are likely to enter the Community market in the near future.

In the light of the above, the Commission considers that the unlikely occurrence of entry on the market means that in this respect Tetra Pak will not be constrained from acting to an appreciable extent independently of its competitors, customers, and ultimately of consumers.

3.5. Conclusion

The Commission concludes that Tetra Pak holds a dominant position on the market for aseptic carton packaging machines in the Community as a whole.

4. *No strengthening of an existing dominant position*

Tetra Pak holds a position of great market power. Thus the Commission has examined very carefully whether the operation will in any way strengthen that position. When faced with such a high degree of dominance, the Commission must be particularly vigilant, because in such circumstances even a very small increase in market power can have a disproportionately large negative effect on the competitive conditions on the market place.

In particular, the Commission has examined whether the operation would be likely to give to Tetra Pak certain marketing or other advantages over non-integrated aseptic carton packaging machine suppliers that would be likely to limit growth by existing competitors or raise barriers to entry for potential competitors. This is of particular

concern in this case because the barriers to entry, both technical and commercial, into the market for aseptic carton packaging machines are already very high, and the creation of additional entry barriers, further foreclosing the market to potential competitors, would be of significant concern.

All of the detailed investigations undertaken by the Commission lead to the conclusion that in fact the creation of a full-line (processing and packaging machines) capability within a single undertaking will not in fact confer upon Tetra Pak an advantage of real significance that would be likely to further increase the difficulty of entry or penetration of actual or potential competitors. The underlying reason for this is that the two categories of machines are distinct and separate in both technical and commercial terms. The following factors explain the reasons for this conclusion :

- Only where processing and packaging machines are purchased simultaneously could the ability to offer both machines be potentially significant. The Community market for such processing lines is a mature one. According to figures available to the Commission less than 5 % of total packaging machine purchases have occurred simultaneously with processing machine purchases over the last three years. This inevitably reduces to almost insignificance any potential advantage available to Tetra Pak as a result of the concentration.

Furthermore, when purchasers of aseptic carton packaging machines were asked to put in order of importance the factors relevant to which brand of aseptic carton packaging machine to purchase (price, reliability, speed etc.) invariably the ability to offer both packaging and processing machines within a single undertaking was considered the least important of the nine available choices. Even when asked to make a similar classification for circumstances in which both packaging and processing machines would be purchased simultaneously, the ability to offer both processing and packaging machines was once again considered to be the least important of the nine suggested factors.

- A number of large and strong actual and potential competitors are present on the markets for processing machines. Thus, if an actual or potential competitor of Tetra Pak perceived any advantages to flow from offering both packaging and processing machines, real and appropriate possibilities for doing so exist.
- It is also pertinent to note that none of the actual or known potential competitors of Tetra Pak in the aseptic carton packaging market considered that their

expansion/entry prospects would be disadvantaged by the concentration.

- The interface between an aseptic packaging machine and an aseptic-processing machine is not complicated in technical/engineering terms. It is therefore a simple operation to change a Tetra Pak machine for that of another manufacturer and to ensure that it interfaces efficiently with an existing processing machine even if the processing machine is manufactured by Alfa-Laval. In this respect it is important to note that the technology in an aseptic processing machine is basic. There is therefore no real risk that Alfa-Laval aseptic processing machines could be made difficult to interface with other packaging machines than those of Tetra Pak.
- Dairies and juice processors are typically large undertakings with very significant buying power.

In the light of these factors the Commission concludes that the concentration will not reinforce Tetra Pak's existing dominant position in this market.

In arriving at this conclusion the Commission has not overlooked its Decision 88/501/EEC⁽¹⁾ 'Tetra Pak-BTG' of 26 July 1988, upheld by the Court of First Instance in its judgment of 10 July 1990, in Case T-51/89⁽²⁾. In that case it found that Tetra Pak had abused its dominant position on the aseptic carton packaging market by acquiring a company holding a licence for a new packaging process and thereby preventing competitors from gaining access to this new technology. The Commission considers, however, that this merger does not in itself create a structure which would facilitate such abuses.

5. *Tetra Pak's activities in relation to non-aseptic machines and carton blanks*

5.1. In the market for non-aseptic carton packaging machines Tetra Pak has a very high market share, which is however lower than that in the market for aseptic carton packaging machines. The connection between a non-aseptic packaging machine and a processing line is even simpler than between an aseptic packaging machine and a processing line. Thus the reasons why the concentration will not reinforce Tetra Pak's dominant position in the aseptic market apply to an even greater extent in the non-aseptic market. In the light of this, the Commission considers that the operation will not create or strengthen a dominant position of Tetra Pak in the non-aseptic carton packaging market.

⁽¹⁾ OJ No L 272, 4. 10. 1988, p. 27.

⁽²⁾ ECR 1990, p. II. 309.

5.2. The market for carton blanks constitutes a separate relevant product market for the purposes of the Commission's assessment of this case, and there are good reasons for concluding that Tetra Pak is dominant at least on the market for carton blanks for aseptic packaging machines. The existence of such a dominant position is a direct result of Tetra Pak's strength on the packaging machine market. At present Tetra Pak alone provides the carton blanks for the aseptic packaging machines that it has manufactured. It holds over 80 % of the general market for carton blanks for aseptic packaging machines. It thus benefits from an existing production, distribution and marketing infrastructure of a size unavailable to its competitors. Most of all, because of the overriding importance of sterility maintenance to purchasers, it benefits from a very considerable advantage when selling cartons for its machines; due to the serious consequences of a sterility failure customers will always have a tendency to purchase cartons from the machine producer. It therefore follows that if the operation will not create or strengthen any dominant position on the market for the aseptic packaging machines, no strengthening of any dominant position on the carton markets will result from the concentration.

C. Effects of the concentration on Alfa-Laval's operations

1. The relevant product markets

Alfa-Laval produces a wide range of processing equipment used in a number of industries. The concerns of the Commission in this case relate to the likely effects resulting from the vertical complementarity between Tetra Pak's aseptic packaging machines and those machines produced by Alfa-Laval which might precede a Tetra Pak machine in a processing line.

After having examined the milk processing machine sector, the Commission has identified a number of stages through which milk passes during its processing for aseptic packaging. Each stage involves machines which fall into a particular product category which cannot be substituted for a machine used in another category.

The stages and types of machines can be represented as follows:

- separator: removes fat from milk and cream,
- standardization equipment: ensures a standard fat content of milk and cream,
- plate heat exchanger: destroys the pathogenic bacteria dangerous to humans. The resultant product may then be packaged as pasteurised milk, with a non-aseptic packaging machine,

- aseptic processing unit: this unit destroys the micro-organisms responsible for the rapid decay of milk. A UHT unit heats the milk to 140° and cools it very quickly. Such milk, if packaged aseptically, has a shelf-life of up to six months.

The Commission is aware that alternative classifications of the processing machines that make up a milk line might be put forward, and machines such as pumps, valves, storage tanks and control systems might be included. However, information in the Commission's possession indicates that Alfa-Laval's position in such markets is not appreciably different to that in the above-mentioned ones, and the markets exhibit similar technical and marketing characteristics to those defined. In the light of this, the Commission considers that the inclusion or exclusion of the above products as additional relevant product markets affected by this transaction would not affect the analysis figuring below. For the purpose of the analysis of the notified concentration the Commission therefore considers that the relevant product markets for Alfa-Laval's milk processing machine activities are the machine categories mentioned above. For similar reasons, the classification is equally applicable for analysing the effects of the concentration in the juice processing sector.

2. The geographic reference market

Machines that are sold in the abovementioned categories are materially identical throughout the Community. Similar distribution systems are used by the companies for their machines throughout the Community. The Commission therefore concludes that the conditions of competition throughout the Community for the products in question are sufficiently homogeneous to assume that the geographic reference market for the purpose of examining the notification is the Community as a whole.

3. Dominant position

3.1. Market shares

According to the information available to the Commission, market shares for the product categories in question for 1990 were:

Separators: Westfalia [(1)] %, Alfa-Laval [...] %, others [...] %

Standardization equipment: Alfa-Laval [...] %, APV [...] %, others [...] %

(1) In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 17 (2) of Regulation (EEC) No 4064/89 concerning non-disclosure of business secrets.

Heat exchangers: Alfa-Laval [...]%, APV [...]%, others [...]%

Aseptic processing systems: Alfa-laval [...]%, Finnah [...]%, APV [...]%, Stork [...]%, others [...]%

3.2. Size and importance of competitors

A number of large, important and effective competitors operate on all the relevant markets listed. Some of these competitors, in particular APV, are large companies with substantial resources. However, it should be noted that in relation to separators, standardization equipment and aseptic processing systems Alfa-Laval holds very large market shares.

3.3. Supply-side substitutability

3.3.1. From neighbouring markets

There is a very high degree of supply-side substitutability between supplies of separators, standardization equipment and plate heat exchangers for milk processing and supplies of similar equipment for other purposes, including brewing, food processing and pharmaceutical uses. The machines used in these different industries require little modification for use in the dairy sector. Most companies producing such machines have a high percentage of their relevant turnover outside the dairy/juice industry.

3.3.2. Potential market entrants

The technical knowledge necessary for the manufacture of separators, standardization equipment, plate heat exchangers and aseptic processing machines is not particularly difficult to acquire. Marketing/capital considerations, rather than technical/regulatory entry barriers are likely to be relevant in a decision by a potential entrant whether or not to enter any of the abovementioned markets.

4. Conclusion

In the light of the above it is concluded that in relation to the relevant product markets set out above, whilst Alfa-Laval holds a leading position in the relevant markets, it does not at present hold such a degree of market power that it is able to act to an appreciable extent independently of its competitors, customers, and ultimately of its consumers. Prior to the concentration, therefore, Alfa-Laval does not hold a dominant position which might be strengthened by the present operation.

5. No creation of a dominant position of Alfa-Laval

The Commission has undertaken a widespread and detailed inquiry to determine whether the ability to offer both packaging and processing machines within a single undertaking will give the merged company such an advantage over its competitors for liquid food processing machines that it would, over a period of time, be expected to acquire a dominant position on any of the markets identified.

The results of this inquiry lead to the conclusion that in fact no such dominant position will be created. Many of the reasons why the ability to offer both processing and packaging machines will not confer upon Alfa-Laval such advantages over its competitors that a dominant position may be expected to develop are parallel to those explained above in relation to Tetra Pak's aseptic packaging operations. This is true, in particular in relation to the following factors:

- sales of full line installations (or 'turn-key' installations) represent less than 5 % of total sales for processing equipment,
- the technology used in packaging and processing machines are significantly different,
- the interface connection between packaging and processing machines is not complicated,
- dairies and juice processors have significant buying power.

Furthermore, due to the 'low tech' nature of processing machines, it is very easy to substitute a machine (whether it be a separator, standardization equipment, a plate heat exchanger or an aseptic processing unit) of one manufacturer for that of another. Most 'milk lines' are made up of machines of different suppliers and there is no real advantage in purchasing all the line from a single purchaser.

When purchasers of the four types of processing machine were asked to put in order of importance the factors relevant to the question of which brand of aseptic carton packaging machine to purchase (price, reliability, speed etc.) invariably the ability to offer both packaging and processing machines was considered the least important of the nine available choices. Even when asked to make a similar classification for circumstances in which both packaging and processing machines would be purchased simultaneously, the ability to offer both processing and packaging machines within a single undertaking was once again considered to be the least important of the nine suggested factors.

In the light of these factors, the Commission considers that the concentration will not create a dominant position in any of the markets for liquid food processing equipment identified above as a result of which effective competition would be significantly impeded in the common market.

V. Conclusion

The Commission concludes that the notified concentration is compatible with the common market within the meaning of Article 2 (2) of the Regulation.

HAS ADOPTED THIS DECISION :

Article 1

The notified concentration between Tetra Pak and Alfa-Laval is declared compatible with the common market.

Article 2

This Decision is addressed to :

Tetra Pak International SA,
70, avenue Général-Guisan,
PO Box 446,
CH-1009 Pully (Lausanne),
Switzerland,

and

Alfa-Laval AB,
PO Box 12150,
S-102 24 Stockholm,
Sweden.

Done at Brussels, 19 July 1991.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2835/91 of 23 September 1991 amending a definitive anti-dumping duty following a partial review of anti-dumping measures concerning imports of urea originating in Venezuela and terminating the review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago

(Official Journal of the European Communities No L 272 of 28 September 1991)

On page 12, lines 2 and 8 of the second subparagraph of paragraph (23):

for: 'free',

read: 'cif';

in Article 2:

for: '...', and the sum of ECU 110,50 per tonne.',

read: '...', and the sum of ECU 110,50 per tonne, cif at Community frontier.'.
