

Official Journal

of the European Communities

ISSN 0378-6978

L 300

Volume 34

31 October 1991

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3162/91

of 28 October 1991

amending Regulation (EEC) No 104/76 laying down common marketing standards for shrimps (*Crangon crangon*), edible crabs (*Cancer pagurus*) and Norway lobsters (*Nephrops norvegicus*)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 1495/89 ⁽²⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 104/76 ⁽³⁾, as last amended by Regulation (EEC) No 4213/88 ⁽⁴⁾, lays down, *inter alia*, the sizing categories applicable to shrimps and crabs, and fixes a maximum size below which these products may not be marketed for human consumption within the Community;

Whereas Article 7 (4) of the said Regulation provides for exemptions from the minimum size for shrimps, in order to ensure local supplies for certain coastal areas of the Community;

Whereas, in order to ensure local or regional supplies of crabs for certain coastal zones of the United Kingdom, Article 7 (5) of the said Regulation introduces an exception reducing the minimum marketing size for this product to 11,5 cm in these zones;

Whereas experience has shown that exceptions from the minimum sizes must be differentiated according to the zones concerned in order to take account of differing conditions of production and sale in these zones;

Whereas, in order to ensure efficient management of the scheme, identical procedures for the fixing of the size exceptions and for the determination of the coastal zones in which these sizes are to apply must be laid down for the two products concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 of Regulation (EEC) No 104/76 is hereby amended as follows:

1. Paragraph 4 shall be replaced by the following:

'4. Exemptions from the minimum sizes referred to in paragraph 1 (a) and (b) may be laid down in order to ensure local or regional supplies of shrimps and crabs for certain coastal zones of the Community.

These zones shall be determined and the corresponding marketing sizes fixed in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 3796/81.'

2. Paragraph 5 shall be deleted.

Article 2

This Regulation shall enter into force on 1 January 1992.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 148, 1. 6. 1989, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 35.

⁽⁴⁾ OJ No L 370, 31. 12. 1988, p. 33.

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

Done at Luxembourg, 28 October 1991.

For the Council

The President

J. M. M. RITZEN

COUNCIL REGULATION (EEC) No 3163/91

of 28 October 1991

opening and providing for the administration of a Community tariff quota for
certain melons originating in Israel (1991/92)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Article 1 of the Fourth Additional Protocol to the Cooperation Agreement between the European Economic Community and the State of Israel⁽¹⁾ provides for the opening of a Community tariff quota for the import into the Community of 9 500 tonnes of melons, falling within CN code ex 0807 10 90, originating in Israel, (from 1 November to 31 May);

Whereas within the limits of this tariff quota, customs duties are to be phased out according to the same timetables and at the same rates as laid down in Articles 75, 243 and 268 of the Act of Accession of Spain and Portugal;

Whereas, within the limits of these tariff quotas, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions of Council Regulation (EEC) No 4162/87 of 21 December 1987, laying down arrangements for Spain's and Portugal's trade with Israel⁽²⁾; whereas the Community tariff quotas in question should therefore be opened for the period from 1 November 1991 to 31 May 1992;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the

duty rates laid down for the quotas should be applied consistently to all imports of the product in question into all Member States until the quotas are exhausted; whereas the necessary measures should be taken to provide for effective Community management of the quotas, so that the Member States may draw against the quotas such quantities as they may need, corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of these quotas may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 November 1991 to 31 May 1992 the customs duties applicable to imports into the Community of melons originating in Israel shall be suspended, at the levels and within the limits of the Community tariff quota shown below:

Order No	CN code (a)	Description	Period	Amount of quota (tonnes)	Quota duty (%)
09.1329	ex 0807 10 90	Melons	1.11.1991 to 31.5.1992	9 500	— from 1.11 to 31.12.1991 : 4,9 — from 1.1 to 31.5.1992 : 3,9

(a) Taric codes:

09.1329	ex 0807 10 90	0807 10 90 (*) 12
		0807 10 90 (*) 13
		0807 10 90 (*) 14
		0807 10 90 (*) 23
		0807 10 90 (*) 24
		0807 10 90 (*) 31
		0807 10 90 (*) 33
		0807 10 90 (*) 34
		0807 10 90 (*) 43
		0807 10 90 (*) 44

⁽¹⁾ OJ No L 327, 30. 11. 1988, p. 36.

⁽²⁾ OJ No L 396, 31. 12. 1987, p. 1.

Within the limits of the tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of Regulation (EEC) No 4162/87.

Article 2

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

Article 3

Where an importer enters a product covered by this Regulation under a declaration for free circulation in a Member State and applies to take advantage of the preferential arrangements and that declaration is accepted by the customs authorities the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration of entry for free circulation, to the extent that the available balance so permits.

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

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applications pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 November 1991.

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

Done at Luxembourg, 28 October 1991.

For the Council

The President

J. M. M. RITZEN

COMMISSION REGULATION (EEC) No 3164/91

of 30 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 29 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 31 October 1991.

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

Done at Brussels, 30 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 30 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	118,59 ⁽²⁾ ⁽³⁾
0712 90 19	118,59 ⁽²⁾ ⁽³⁾
1001 10 10	172,55 ⁽¹⁾ ⁽³⁾
1001 10 90	172,55 ⁽¹⁾ ⁽³⁾
1001 90 91	149,62
1001 90 99	149,62
1002 00 00	161,41 ⁽⁴⁾
1003 00 10	136,52
1003 00 90	136,52
1004 00 10	123,85
1004 00 90	123,85
1005 10 90	118,59 ⁽²⁾ ⁽³⁾
1005 90 00	118,59 ⁽²⁾ ⁽³⁾
1007 00 90	132,67 ⁽⁴⁾
1008 10 00	48,31
1008 20 00	121,60 ⁽⁴⁾
1008 30 00	70,12 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	70,12
1101 00 00	221,49 ⁽⁴⁾
1102 10 00	238,98 ⁽⁴⁾
1103 11 10	280,46 ⁽⁴⁾
1103 11 90	238,70 ⁽⁴⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3165/91

of 30 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 29 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 31 October 1991.

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

Done at Brussels, 30 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 30 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 3166/91

of 30 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 21 760 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 cost;

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, 30 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 and B

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1991
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** ⁽³⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽⁴⁾: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1.b)
8. **Total quantity**: 21 760 tonnes (Lot A: 14 000 tonnes; Lot B: 7 760 tonnes)
9. **Number of lots**: 2
 - Lot A: 2 parts (A 1: 3 000 tonnes; A 2: 11 000 tonnes)
 - Lot B: 2 parts (B 1: 5 760 tonnes; B 2: 2 000 tonnes)
10. **Packaging and marking**:
 - Lot A: in bulk
 - Lot B: in bulk, plus 120 900 (B 1) + 42 000 (B 2) empty new jute sacks, minimum weight 600 g, of a capacity of 50 kilograms, and 75 needles and sufficient twine (2 m/sack)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed ⁽⁵⁾
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**: 9. 12. 1991 — 9. 1. 1992
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 19. 11. 1991
21. **A. In the case of a second 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: 23. 12. 1991 — 23. 1. 1992
 - (c) deadline for the supply: —
21. **B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 17. 12. 1991
 - (b) period for making the goods available at the port of shipment: 6. 1. — 6. 2. 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** ⁽⁶⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles; telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer** ⁽⁷⁾: 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) 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 the following documents on delivery to the beneficiary or its representative:
- certificate of origin,
 - phytosanitary certificate.
- (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), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), 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) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.
- (⁷) The successful tenderer is to contact the recipient as soon as possible to establish what consignment documents are required and how they are to be distributed.

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
(1)	(2)	(3)	(4)	(5)	(6)
A	14 000	3 000	WFP	Tunisia	Action No 697/91
		11 000	WFP	Tunisia	Action No 698/91
B	7 760	5 760	WFP	Morocco	Action No 699/91 / Morocco 0231903 / Supplied by the World Food Programme / Tangier
		2 000	WFP	Morocco	Action No 700/91 / Morocco 0231903 / Supplied by the World Food Programme / Tangier

COMMISSION REGULATION (EEC) No 3167/91

of 30 October 1991

altering the entry price or certain fruit and vegetables originating in
Mediterranean third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3488/89 of 21 November 1989 laying down the method of decision for certain provisions laid down for agricultural products in the framework of Mediterranean agreements⁽¹⁾, and in particular Article 2 thereof,

Whereas, in accordance with the agreements concluded with various Mediterranean third countries, the Community may decide to alter the entry price for certain species of fruit and vegetables originating in such countries, taking account of the annual reviews of trade flows by product and country pursuant to Council Regulation (EEC) No 451/89 of 20 February 1989 concerning the procedure to be applied to certain agricultural products originating in various Mediterranean third countries⁽²⁾;

Whereas examination of the prospects for export flows from Mediterranean third countries in the light of the overall trend on the Community market points to the need to alter the entry price for oranges, clementines, mandarins and other similar citrus hybrids, lemons and tomatoes;

Whereas the alteration of the entry price must, for each product concerned, relate to the amount to be deducted as customs duties from the representative prices recorded in the Community for the calculation of the entry price referred to in Article 24 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽³⁾, as last amended by Regulation (EEC) No 1623/91⁽⁴⁾; whereas, according to product and origin, reductions, as appropriate, of one third or one half during trading periods enable the desired objective to be attained; whereas such reductions must apply within the quantitative limits determined, in accordance with the Mediterranean agreements;

Whereas this alteration of the entry price is to apply in respect of specific quantities which must be entered in the accounts during the periods laid down in the agreements; whereas a Community surveillance system must

be set up to manage the arrangements in question; whereas the Commission must inform the Member States as soon as the quantities laid down in the Mediterranean agreements and specified in this Regulation have been reached;

Whereas the products in question are subject, moreover, to a system of tariff quotas when they originate in certain countries; whereas the abovementioned Community surveillance system is accordingly to apply only outside the period of statistical monitoring introduced to administer the quotas;

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 purpose of calculating the entry price referred to in Article 24 (3) of Regulation (EEC) No 1035/72 for each of the products originating in the Mediterranean third countries referred to in Annex I hereto, the amount to be deducted as customs duties from the recorded representative prices shall be reduced by the percentage indicated in that Annex during the periods and in respect of the maximum quantities specified therein.

Article 2

1. Imports of the products listed in Annex II and originating in the countries indicated therein shall be subject to Community surveillance during the periods laid down in the last column of that Annex.

2. Deductions shall be made from the specified quantities when products are presented to the customs authorities for release for free circulation, accompanied by a movement certificate.

Goods may be deducted from the specified quantity only if the movement certificate is presented before the date on which these preferential arrangements cease to apply.

The extent to which a specified quantity is used up shall be determined at Community level on the basis of the imports deducted from it as specified in the first and second subparagraphs.

⁽¹⁾ OJ No L 340, 23. 11. 1989, p. 2.

⁽²⁾ OJ No L 52, 24. 2. 1989, p. 7.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 8.

Member States shall inform the Commission, at the intervals and within the time limits specified in paragraph 3, of imports effected in accordance with the rules set out above.

3. With respect to imports effected, Member States shall send to the Commission statements of the deducted quantities every 10 days, to be forwarded within five days from the end of each ten-day period.

4. As soon as the quantities specified in Annex I have been reached, the Commission shall inform the Member

States of the date from which these preferential arrangements shall cease to apply.

Article 3

The Member States and the Commission shall cooperate closely with a view to implementing this Regulation and in particular, where the need arises, to coordinating the system for administering the quotas.

Article 4

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Alteration of entry price

Products		Mediterranean third country	Amount to be deducted	Period of application of the alteration	Quantity specified in agreements (tonnes)
CN code	Description				
ex 0805 10	Oranges, fresh or chilled	Israel Morocco Tunisia Egypt Cyprus	one third one third one third one third { one third one half }	1.12.1991 to 31. 5.1992 1.12.1991 to 31. 5.1992 1.12.1991 to 31. 5.1992 1.12.1991 to 31. 5.1992 { 1. 1.1992 to 31. 5.1992 } 1.12.1992 to 31.12.1992 }	293 000 265 000 28 000 7 000 67 000
ex 0805 20	Mandarins and other similar citrus hybrids, fresh or chilled, excluding clementines	Morocco Israel	one third one third	{ 1.11.1991 to end of February 1992 }	Morocco 110 000 Israel 14 200
ex 0805 20	Clementines fresh or chilled	Morocco Israel	one third one third	{ 1.12.1991 to end of February 1992 }	
ex 0805 30 10	Lemons, fresh or chilled }	Cyprus Turkey Israel	one third one half	1. 1.1992 to 31. 5.1992 1. 6.1992 to 31.12.1992	15 000 12 000 6 400
0702 00	Tomatoes fresh or chilled	Morocco	{ one third one half }	{ 15.11.1991 to 20.12.1991 } 1. 4.1992 to 31. 5.1992 }	86 000 of which April 15 000 May 10 000

ANEXO II

Surveillance

Serial No	Products		Mediterranean third country	Overall period covered	Period of statistical monitoring under tariff quotas	Periods of surveillance provided for in Article 2
	CN code	Description				
19.0010	ex 0805 10	Oranges, fresh or chilled	Israel Morocco Tunisia Egypt Cyprus	1.11.1991 to 31. 5.1992 1. 1.1992 to 31. 5.1992 1. 1.1992 to 31. 5.1992 1.11.1991 to 31. 5.1992 — 1. 1.1992 to 31.12.1992	— 1.11.1991 to 31.12.1991 1.11.1991 to 31.12.1991 — 1. 1.1992 to 31.12.1992	
19.0020	ex 0805 20	Clementines, mandarins and other similar citrus hybrids, fresh or chilled	Morocco Israel	1.11.1991 to end of February 1992	1.1.1992 to end of February 1992 1.11.1991 to end of February 1992	1.11.1991 to 31.12.1991 —
19.0030	ex 0805 30 10	Lemons, fresh or chilled	Cyprus Turkey Israel	1. 1.1992 to 31.12.1992	— — 1. 1.1992 to 31.12.1992	1. 1.1992 to 31.12.1992 1. 1.1992 to 31.12.1992 —
19.0050	0702 00	Tomatoes, fresh or chilled	Morocco	15.11.1991 to 31. 5.1992	15.11.1991 to 30. 4.1992	1. 5.1992 to 31. 5.1992

COMMISSION REGULATION (EEC) No 3168/91
of 30 October 1991
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1854/91 ⁽³⁾, as last amended by Regulation (EEC) No 2965/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1854/91 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this 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 subparagraph of Article 3 (1) of Council Regu-

lation (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 29 October 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,34 per 100 kilograms.

Article 2

This Regulation shall enter into force on 31 October 1991.

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

Done at Brussels, 30 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. 27.

⁽⁴⁾ OJ No L 282, 10. 10. 1991, p. 16.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 3169/91

of 30 October 1991

fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Argentina must be reduced

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

Having regard to Council Regulation (EEC) No 1058/88
of 28 March 1988 on the import of bran, sharps and other
residues derived from the sifting, milling or other working
of cereals other than maize and rice and amending
Regulation (EEC) No 2658/87 on the tariff and statistical
nomenclature and on the Common Customs Tariff⁽¹⁾,
and in particular Article 2 (2) thereof,

Whereas Regulation (EEC) No 1058/88 provides that the
variable component of the levy, calculated in accordance
with Article 2 of Council Regulation (EEC) No 2744/75
of 29 October 1975 on the import and export system for
products processed from cereals and from rice⁽²⁾ as last
amended by Regulation (EEC) No 1906/87⁽³⁾, is to be
reduced by an amount equal to 40 % of the average of
the variable components of the levies applicable to the
product in question in the three months preceding the
months during which that amount is fixed; whereas that
reduction is applicable to products falling within CN
codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90
for up to a maximum of 550 000 tonnes per year on the
import of the products in question originating in
Argentina and from any other third country which applies
to exports of those products a special tax of an amount
equal to that by which the variable amount of the levy is

reduced and which provides satisfactory proof of payment
of that tax;

Whereas Commission Regulation (EEC) No 1193/88⁽⁴⁾,
as amended by Regulation (EEC) No 84/89⁽⁵⁾, lays down
the detailed rules of application of the special
arrangements for imports of bran, sharps and other
residues, whether or not in the form of pellets, derived
from the sifting, milling or other working of cereals other
than maize and rice falling within CN codes 2302 30 and
2302 40,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC)
No 1058/88 by which the variable amount of the levy
applicable to imports of bran, sharps and other residues
originating in Argentina and in any other third country
meeting the conditions laid down in that Article must be
reduced shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 November
1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 104, 23. 4. 1988, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁴⁾ OJ No L 111, 30. 4. 1988, p. 87.

⁽⁵⁾ OJ No L 13, 17. 1. 1989, p. 13.

ANNEX

to the Commission Regulation of 30 October 1991 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Argentina must be reduced

<i>(ECU/tonne)</i>	
CN code	Amount
2302 30 10	23,69
2302 30 90	50,77
2302 40 10	23,69
2302 40 90	50,77

COMMISSION REGULATION (EEC) No 3170/91

of 30 October 1991

fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1512/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1518/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria⁽²⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1525/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco⁽³⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Whereas the Agreement in the form of an exchange of letters annexed to Regulations (EEC) No 1512/76, (EEC)

No 1518/76 and (EEC) No 1525/76 provides that the variable component of the levy calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the variable components of the levies in force during the three months preceding the month during which the amount is fixed;

Whereas the variable components applicable to the products falling within CN codes 2302 30 and 2302 40 during July, August and September 1991 have been taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in the second subparagraph of paragraph 3 of the exchange of letters forming the Agreement annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 to be deducted from the variable component applicable to bran and sharps originating in Tunisia, Algeria and Morocco respectively, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 19.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 37.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 53.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

ANNEX

to the Commission Regulation of 30 October 1991 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced

<i>(ECU/tonne)</i>	
CN code	Amount
2302 30 10	35,54
2302 30 90	76,15
2302 40 10	35,54
2302 40 90	76,15

COMMISSION REGULATION (EEC) No 3171/91
of 30 October 1991

**fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Egypt must be reduced**

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

Having regard to Council Regulation (EEC) No 1030/77
of 17 May 1977 concluding the Interim Agreement
between the European Economic Community and the
Arab Republic of Egypt⁽¹⁾, and in particular the second
subparagraph of paragraph 3 of the exchange of letters
relating to Article 13 of the Agreement,

Whereas the exchange of letters covered by Regulation
(EEC) No 1030/77 provides that the variable component
of the levy calculated in accordance with Article 2 of
Council Regulation (EEC) No 2744/75 of 29 October
1975 on the import and export system for products
processed from cereals and rice⁽²⁾, as last amended by
Regulation (EEC) No 1906/87⁽³⁾, is to be reduced by an
amount fixed by the Commission each quarter; whereas
this amount must be equal to 60 % of the average of the
levies in force during the three months preceding the
month during which the amount is fixed;

Whereas the variable components applicable during July,
August and September 1991 to the products falling within
CN codes 2302 10, 2302 20, 2302 30 and 2302 40 are to
be taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts referred to in the second subparagraph of
paragraph 3 of the exchange of letters covered by Regula-
tion (EEC) No 1030/77 to be deducted from the variable
component applicable to bran and sharps originating in
Egypt shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November
1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 126, 23. 5. 1977, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 49.

ANNEX

to the Commission Regulation of 30 October 1991 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced

<i>(ECU/tonne)</i>	
CN code	Amount
2302 10 10	35,54
2302 10 90	76,15
2302 20 10	35,54
2302 20 90	76,15
2302 30 10	35,54
2302 30 90	76,15
2302 40 10	35,54
2302 40 90	76,15

COMMISSION REGULATION (EEC) No 3172/91

of 30 October 1991

fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

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

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

Having regard to Council Regulation (EEC) No 1250/77 of 17 May 1977 on imports of rice from the Arab Republic of Egypt ⁽³⁾, and in particular Article 1 thereof,

Whereas Regulation (EEC) No 1250/77 provides that the levy calculated in accordance with Article 11 of Regulation (EEC) No 1418/76 is to be reduced by an amount to be fixed by the Commission each quarter; whereas this amount must be equal to 25 % of the average of the levies applied during a reference period;

Whereas, pursuant to Commission Regulation (EEC) No 2942/73 of 30 October 1973 laying down detailed rules for the application of Regulation (EEC) No 2412/73 ⁽⁴⁾, as

amended by Regulation (EEC) No 560/91 ⁽⁵⁾, the reference period is to be the quarter preceding the month in which the amount is fixed;

Whereas the levies to be taken into consideration are therefore those applicable during July, August and September 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC) No 1250/77 by which the levy on imports of rice originating in and coming from the Arab Republic of Egypt is to be reduced shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 146, 14. 6. 1977, p. 9.

⁽⁴⁾ OJ No L 302, 31. 10. 1973, p. 1.

⁽⁵⁾ OJ No L 62, 8. 3. 1991, p. 26.

ANNEX

to the Commission Regulation of 30 October 1991 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

(ECU/tonne)

CN code	Amounts to be deducted
1006 10 21	76,79
1006 10 23	68,24
1006 10 25	68,24
1006 10 27	68,24
1006 10 92	76,79
1006 10 94	68,24
1006 10 96	68,24
1006 10 98	68,24
1006 20 11	95,98
1006 20 13	85,30
1006 20 15	85,30
1006 20 17	85,30
1006 20 92	95,98
1006 20 94	85,30
1006 20 96	85,30
1006 20 98	85,30
1006 30 21	122,45
1006 30 23	140,47
1006 30 25	140,47
1006 30 27	140,47
1006 30 42	122,45
1006 30 44	140,47
1006 30 46	140,47
1006 30 48	140,47
1006 30 61	130,41
1006 30 63	150,58
1006 30 65	150,58
1006 30 67	150,58
1006 30 92	130,41
1006 30 94	150,58
1006 30 96	150,58
1006 30 98	150,58
1006 40 00	37,35

COMMISSION REGULATION (EEC) No 3173/91

of 30 October 1991

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 1

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 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 1741/91⁽²⁾,

Having regard to Commission Regulation (EEC) No
1633/84 of 8 June 1984 laying down detailed rules for
applying the variable slaughter premium for sheep and
repealing Regulation (EEC) No 2661/80⁽³⁾, as last
amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in
particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 22 (2) of Regulation (EEC) No
3013/89 whereas it is necessary therefore for the Commis-
sion to fix, for the week beginning the 7 October 1991,
the level of the premium and the amount to be charged
on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84
stipulates that the level of the variable slaughter premium
is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84
lays down that the amount to be charged on products
leaving region 1 shall be fixed weekly by the Commis-
sion;

Whereas in the Annex to Commission Regulation (EEC)
No 3618/89 of 1 December 1989 on the application of
the guarantee limitation arrangements for sheepmeat and
goatmeat⁽⁵⁾ the weekly amounts of the guide level are set
out pursuant to Article 25 of Regulation (EEC) No
3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and
(3) of Regulation (EEC) No 3013/89, for the week begin-
ning the 7 October 1991, the variable slaughter premium
for sheep certified as eligible in the United Kingdom is to
be in accordance with the amounts fixed in the Annexes
hereto; whereas, for that week, in the light of the Judg-
ment of the Court of Justice of 2 February 1988 in Case
61/86, the provisions of Article 9 (5) of Regulation (EEC)
No 3013/89 and of Article 4 of Regulation (EEC) No
1633/84 lead to the amounts to be charged on products,
leaving region 1, being fixed in accordance with those
Annexes;

Whereas, as regards the controls necessary for the appli-
cation of the provisions relating to the said amounts, the
system of controls provided for by Regulation (EEC) No
1633/84 should be maintained without prejudice to the
preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 1, within the meaning of Article 22
(2) of Regulation (EEC) No 3013/89, for the variable
slaughter premium during the week beginning the 7
October 1991, the level of the premium is fixed at ECU
86,985 per 100 kilograms of estimated or actual dressed
carcase weight within the limits laid down by Article 1 (1)
(b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 3013/89 which left the territory of region 1
during the week beginning the 7 October 1991, the
amounts to be charged shall be equivalent to those fixed
in the Annexes hereto.

Article 3

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

It shall apply with effect from 7 October 1991.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 41.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 1991 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	40,883	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	86,985	0
0204 21 00	86,985	0
0204 50 11		0
0204 22 10	60,890	
0204 22 30	95,684	
0204 22 50	113,081	
0204 22 90	113,081	
0204 23 00	158,313	
0204 30 00	65,239	
0204 41 00	65,239	
0204 42 10	45,667	
0204 42 30	71,763	
0204 42 50	84,811	
0204 42 90	84,811	
0204 43 00	118,735	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	113,081	
0210 90 19	158,313	
1602 90 71 :		
— unboned (bone-in)	113,081	
— boned or boneless	158,313	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 3174/91**of 30 October 1991****fixing the maximum export refund for white sugar for the 27th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91**

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 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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 963/91 of 18 April 1991 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 963/91, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 27th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 27th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 963/91 the maximum amount of the export refund is fixed at ECU 39,249 per 100 kilograms.

Article 2

This Regulation shall enter into force on 31 October 1991.

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

Done at Brussels, 30 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 100, 20. 4. 1991, p. 9.

COMMISSION REGULATION (EEC) No 3175/91
of 30 October 1991
amending Regulation (EEC) No 2315/76 on the sale of butter from public storage

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Article 1 of Commission Regulation (EEC) No 2315/76 ⁽³⁾, as last amended by Regulation (EEC) No 3015/91 ⁽⁴⁾, lays down that the product put up for sale must have been put into storage by the intervention agency before 1 August 1990;

Whereas, in view of the development of stocks, these sales should be extended to butter taken into storage before 1 September 1990;

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 Article 1 of Regulation (EEC) No 2315/76, '1 August 1990' is hereby replaced by '1 September 1990'.

Article 2

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

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 261, 25. 9. 1976, p. 12.

⁽⁴⁾ OJ No L 286, 16. 10. 1991, p. 30.

COMMISSION REGULATION (EEC) No 3176/91**of 30 October 1991****amending Regulation (EEC) No 1609/88 as regards the latest time of entry into storage for butter sold pursuant to Regulation (EEC) No 3143/85**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Article 6 ⁽⁷⁾ thereof,

Having regard to Council Regulation (EEC) No 985/68 of 15 July 1968 laying down general rules for intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EEC) No 2045/91 ⁽⁴⁾, and in particular Article 7a thereof,

Whereas under Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter ⁽⁵⁾, as last amended by Regulation (EEC) No 3060/91 ⁽⁶⁾, the butter put up for sale must have been taken into storage before a date to be determined; whereas this date is set on the basis of stock trends and available quantities;

Whereas this date should be fixed in order to sell the butter taken into storage before 1 August 1990; whereas,

as a result, Commission Regulation (EEC) No 1609/88 of 9 June 1988 as regards the latest time of entry into storage for butter sold under Regulations (EEC) No 3143/85 and (EEC) No 570/88 ⁽⁷⁾, as last amended by Regulation (EEC) No 3000/91 ⁽⁸⁾, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The first subparagraph of Article 1 of Regulation (EEC) No 1609/88 is hereby replaced by the following:

'The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 August 1990.'

Article 2

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

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 187, 13. 7. 1991, p. 1.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 289, 19. 10. 1991, p. 23.

⁽⁷⁾ OJ No L 143, 10. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 286, 16. 10. 1991, p. 5.

COMMISSION REGULATION (EEC) No 3177/91**of 30 October 1991****amending Regulation (EEC) No 3028/91 introducing a countervailing charge on
fresh lemons originating in Uruguay**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1623/91 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3028/91 ⁽³⁾ introduced a countervailing charge on fresh lemons originating in Uruguay;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3028/91 ECU 7,33 is hereby replaced by ECU 21,34.

Article 2

This Regulation shall enter into force on 31 October 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 287, 17. 10. 1991, p. 29.

COMMISSION REGULATION (EEC) No 3178/91

of 30 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 3158/91 ⁽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 29 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 31 October 1991.

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

Done at Brussels, 30 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 299, 30. 10. 1991, p. 46.

⁽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 30 October 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	37,63 ⁽¹⁾
1701 11 90	37,63 ⁽¹⁾
1701 12 10	37,63 ⁽¹⁾
1701 12 90	37,63 ⁽¹⁾
1701 91 00	42,84
1701 99 10	42,84
1701 99 90	42,84 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 3179/91

of 30 October 1991

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3096/91⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3096/91 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3096/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 October 1991.

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

Done at Brussels, 30 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 293, 24. 10. 1991, p. 18.

ANNEX

to the Commission Regulation of 30 October 1991 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,71 ⁽¹⁾	
1701 11 90 910	33,60 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,71 ⁽¹⁾	
1701 12 90 910	33,60 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3664
1701 99 10 100	36,64	
1701 99 10 910	36,52	
1701 99 10 950	36,52	
1701 99 90 100		0,3664

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 3180/91**of 30 October 1991****adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 21 and 25 October 1991**

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86 ⁽¹⁾ laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and from Portugal, as last amended by Regulation (EEC) No 334/91 ⁽²⁾, fixes the indicative ceilings for milk sector products for 1991 and splits these up into monthly ceilings;

Whereas applications for STM licences in the Community of Ten for cheese of category 3 lodged between 21 and 25 October 1991 relate to quantities higher than the ceiling set for the fourth quarter;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the initiative ceiling will be attained or exceeded; whereas to this it is necessary, as an interim protective measure, in view of the number of requests, for

the products concerned and only for the Community of Ten, to issue licences up to a percentage of the quantities applied for category 3 and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 21 and 25 October 1991 for the Community of Ten and lodged with the Commission, for milk products falling within:

— category 3 of CN code ex 0406 are hereby accepted up to 50 %.

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within category 3.

Article 2

This Regulation shall enter into force on 31 October 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 39, 13. 2. 1991, p. 15.

COMMISSION REGULATION (EEC) No 3181/91
of 30 October 1991
fixing the import levies on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 1630/91 ⁽²⁾, and in particular Article 14 (8)
thereof,

Whereas the import levies on milk and milk products
were fixed by Commission Regulation (EEC) No
1653/91 ⁽³⁾, as last amended by Regulation (EEC) No
2997/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1653/91 to the prices

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 referred to in Article 14 of Regulation
(EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November
1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 151, 15. 6. 1991, p. 22.

⁽⁴⁾ OJ No L 285, 15. 10. 1991, p. 21.

ANNEX

to the Commission Regulation of 30 October 1991 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		17,33
0401 10 90		16,12
0401 20 11		23,86
0401 20 19		22,65
0401 20 91		29,20
0401 20 99		27,99
0401 30 11		74,77
0401 30 19		73,56
0401 30 31		143,71
0401 30 39		142,50
0401 30 91		241,01
0401 30 99		239,80
0402 10 11	(*)	121,77
0402 10 19	(*)	114,52
0402 10 91	(*) (*)	1,1452/kg + 28,83
0402 10 99	(*) (*)	1,1452/kg + 21,58
0402 21 11	(*)	174,19
0402 21 17	(*)	166,94
0402 21 19	(*)	166,94
0402 21 91	(*)	213,45
0402 21 99	(*)	206,20
0402 29 11	(*) (*) (*)	1,6694/kg + 28,83
0402 29 15	(*) (*)	1,6694/kg + 28,83
0402 29 19	(*) (*)	1,6694/kg + 21,58
0402 29 91	(*) (*)	2,0620/kg + 28,83
0402 29 99	(*) (*)	2,0620/kg + 21,58
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	143,71
0402 91 59	(*)	142,50
0402 91 91	(*)	241,01
0402 91 99	(*)	239,80
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,4008/kg + 25,21
0402 99 39	(*) (*)	1,4008/kg + 24,00
0402 99 91	(*) (*)	2,3738/kg + 25,21
0402 99 99	(*) (*)	2,3738/kg + 24,00
0403 10 02		121,77
0403 10 04		174,19

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 06		213,45
0403 10 12	(¹)	1,1452/kg + 28,83
0403 10 14	(¹)	1,6694/kg + 28,83
0403 10 16	(¹)	2,0620/kg + 28,83
0403 10 22		26,27
0403 10 24		31,61
0403 10 26		77,18
0403 10 32	(¹)	0,2023/kg + 27,62
0403 10 34	(¹)	0,2557/kg + 27,62
0403 10 36	(¹)	0,7114/kg + 27,62
0403 90 11		121,77
0403 90 13		174,19
0403 90 19		213,45
0403 90 31	(¹)	1,1452/kg + 28,83
0403 90 33	(¹)	1,6694/kg + 28,83
0403 90 39	(¹)	2,0620/kg + 28,83
0403 90 51		26,27
0403 90 53		31,61
0403 90 59		77,18
0403 90 61	(¹)	0,2023/kg + 27,62
0403 90 63	(¹)	0,2557/kg + 27,62
0403 90 69	(¹)	0,7114/kg + 27,62
0404 10 11		25,47
0404 10 19	(¹)	0,2547/kg + 21,58
0404 10 91	(²)	0,2547/kg
0404 10 99	(²)	0,2547/kg + 21,58
0404 90 11		121,77
0404 90 13		174,19
0404 90 19		213,45
0404 90 31		121,77
0404 90 33		174,19
0404 90 39		213,45
0404 90 51	(¹)	1,1452/kg + 28,83
0404 90 53	(¹) (²)	1,6694/kg + 28,83
0404 90 59	(¹)	2,0620/kg + 28,83
0404 90 91	(¹)	1,1452/kg + 28,83
0404 90 93	(¹) (²)	1,6694/kg + 28,83
0404 90 99	(¹)	2,0620/kg + 28,83
0405 00 10		248,46
0405 00 90		303,12
0406 10 10	(⁴)	233,03
0406 10 90	(⁴)	285,03
0406 20 10	(³) (⁴)	385,71
0406 20 90	(⁴)	385,71
0406 30 10	(³) (⁴)	184,71
0406 30 31	(³) (⁴)	175,16
0406 30 39	(³) (⁴)	184,71
0406 30 90	(³) (⁴)	281,43

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 40 00	(³) (⁴)	148,14
0406 90 11	(³) (⁴)	227,79
0406 90 13	(³) (⁴)	179,74
0406 90 15	(³) (⁴)	179,74
0406 90 17	(³) (⁴)	179,74
0406 90 19	(³) (⁴)	385,71
0406 90 21	(³) (⁴)	227,79
0406 90 23	(³) (⁴)	188,31
0406 90 25	(³) (⁴)	188,31
0406 90 27	(³) (⁴)	188,31
0406 90 29	(³) (⁴)	188,31
0406 90 31	(³) (⁴)	188,31
0406 90 33	(⁴)	188,31
0406 90 35	(³) (⁴)	188,31
0406 90 37	(³) (⁴)	188,31
0406 90 39	(³) (⁴)	188,31
0406 90 50	(³) (⁴)	188,31
0406 90 61	(⁴)	385,71
0406 90 63	(⁴)	385,71
0406 90 69	(⁴)	385,71
0406 90 71	(⁴)	233,03
0406 90 73	(⁴)	188,31
0406 90 75	(⁴)	188,31
0406 90 77	(⁴)	188,31
0406 90 79	(⁴)	188,31
0406 90 81	(⁴)	188,31
0406 90 83	(⁴)	188,31
0406 90 85	(⁴)	188,31
0406 90 89	(³) (⁴)	188,31
0406 90 91	(⁴)	233,03
0406 90 93	(⁴)	233,03
0406 90 97	(⁴)	285,03
0406 90 99	(⁴)	285,03
1702 10 10		30,63
1702 10 90		30,63
2106 90 51		30,63
2309 10 15		88,31
2309 10 19		114,65
2309 10 39		107,48
2309 10 59		88,82
2309 10 70		114,65
2309 90 35		88,31
2309 90 39		114,65
2309 90 49		107,48
2309 90 59		88,82
2309 90 70		114,65

-
- (1) The levy on 100 kg of product falling within this code is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this code is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (3) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

COMMISSION REGULATION (EEC) No 3182/91

of 30 October 1991

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾,Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods⁽³⁾, as last amended by Regulation (EEC) No 2903/89⁽⁴⁾, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for oils falling within subheading 1509 90 00 of the combined nomenclature; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above

shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas Council Regulation (EEC) No 3131/91⁽⁵⁾ set the rates of consumption aid applicable in Spain and Portugal;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of November and December 1991, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- ECU 96,36 per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Spain and Portugal,
- ECU 43,00 per 100 kilograms for olive oil other than that referred to in the preceding indent, utilized in the Member States other than Spain and Portugal,
- ECU 64,58 per 100 kilograms for olive oil produced in the Community and utilized in Spain,
- ECU 19,37 per 100 kilograms for olive oil, other than that referred to in the preceding indent, utilized in Spain,
- ECU 89,89 per 100 kilograms for olive oil produced in the Community and utilized in Portugal,
- ECU 40,96 per 100 kilograms for olive oil, other than that referred to in the preceding indent, utilized in Portugal.

Article 2

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.⁽³⁾ OJ No L 78, 30. 3. 1979, p. 2.⁽⁴⁾ OJ No L 280, 29. 9. 1989, p. 3.⁽⁵⁾ OJ No L 330, 29. 11. 1990, p. 6.

COMMISSION REGULATION (EEC) No 3183/91
of 30 October 1991
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1991.

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 1991 fixing the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund ⁽¹⁾
1509 10 90 100	16,00
1509 10 90 900	0,00
1509 90 00 100	32,00
1509 90 00 900	0,00
1510 00 90 100	6,50
1510 00 90 900	0,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

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

COMMISSION REGULATION (EEC) No 3184/91**of 30 October 1991****fixing the maximum export refunds on olive oil for the 22nd partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90**

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1720/91 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3192/90 ⁽⁴⁾, as amended by Regulation (EEC) No 1665/91 ⁽⁵⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EEC) No 3192/90 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 22nd partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 October 1991.

Article 2

This Regulation shall enter into force on 31 October 1991.

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

Done at Brussels, 30 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 1. 11. 1990, p. 96.

⁽⁵⁾ OJ No L 151, 15. 6. 1991, p. 62.

ANNEX

to the Commission Regulation of 30 October 1991 fixing the maximum export refunds on olive oil for the 22nd partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	16,00
1509 10 90 900	—
1509 90 00 100	32,00
1509 90 00 900	—
1510 00 90 100	3,00
1510 00 90 900	—

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 July 1991

on aid to be granted by the Belgian Government in favour of the air carrier
Sabena

(Only the Dutch and French texts are authentic)

(91/555/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments as provided for in Article 93,

Whereas,

I

By letter of 5 April 1991 the Belgian Government, in conformity with Article 93 (3) of the EEC Treaty, notified the Commission of its intention to grant aid to Sabena.

According to this notification the Belgian Government intends to support the restructuring of the Belgian air carrier Sabena with a package of measures including:

- a transfer of Bfrs 16,2 billion into Sabena's capital which had been granted by the State over the period 1949 to 1981,
- a capital increase of Bfrs 10 billion by subscription of shares and immediate payment,
- a capital reduction with cancellation of ordinary shares held by the Belgian State amounting to Bfrs 30,2 billion and made up of:

- wiping out losses of Bfrs 22,6 billion,
- provision for restructuring Bfrs 7,6 billion.

Furthermore, the Belgian Government intends to inject an additional amount of Bfrs 9 billion in the context of a second stage of recapitalization. It is foreseen that new industrial partners and private Belgian shareholders will contribute with an amount of Bfrs 10 billion to the completion of the recapitalization programme. After the completion of this recapitalization programme, it is foreseen that Sabena will have the following ownership structure:

- | | |
|--------------------------|--------|
| — Belgian State : | 26,7 % |
| — Belgian shareholders : | 26,7 % |
| — Industrial partners : | 40,0 % |
| — Staff : | 6,0 % |

The Belgian Government has also announced its intention to base its participation in restructuring Sabena on the double condition that the company:

- is commercially viable in future,
- finds a reliable industrial partner (airline) for future cooperation.

The Belgian Government has furthermore informed the Commission of Sabena's intention to reduce its permanent staff from 12 180 in 1991 to about 9 000 towards the end of 1993.

II

On the basis of the information in the notification, the Commission carried out an assessment of the compatibility of these measures with Article 92 of the EEC Treaty. This led to the conclusion that, at that stage, the aid measures were not compatible with the common market and could not, on the basis of the available information, qualify for one of the exceptions set out in Article 92 (2) and (3).

This preliminary conclusion of the Commission was mainly based on a lack of sufficient guarantees with regard to the one-off character of this operation, doubts on the commercial viability of the restructuring concept, a lack of clarity regarding the conditions to be accepted by the companies concerned and the substance of new company statutes. Finally, the Commission felt that the Belgian Government had not given sufficient assurances that no other measure would be established or maintained in order to favour Sabena in relation to other companies established in or being active to and from Belgium.

Accordingly, the Commission decided on 8 May 1991 to initiate the Article 93 (2) procedure. The Belgian Government was informed by letter dated 13 May 1991. The notice was published in the *Official Journal of the European Communities*⁽¹⁾. Interested parties were invited to present their observations within one month of the publication date.

III

By letter dated 5 June 1991 the Belgian Government presented its observations on the Commission's decision to initiate the official examination procedure as laid down in Article 93 (2) of the EEC Treaty.

In this letter the Belgian Government specifically confirmed the one-off character of the proposed measures and confirmed its intention to abstain from granting any further aid in favour of Sabena. The Belgian Government reiterated its two-step approach aiming, during the first phase, at deleting debts and other commitments accumulated during the past and, during the second phase, at improving the financial structure of the company. The Belgian Government explicitly confirmed that the Belgian State will not participate in any capital increase for the second phase if Sabena fails to find an industrial

partner (i.e. another airline) willing to take a financial share.

In this letter the Belgian Government reiterated its intention to establish a new company statute based on private commercial law. However, details of this new statute were not given. In addition, the Belgian Government, in its initial reaction, failed to outline in full detail the financial arrangements with other existing shareholders and the proposed new shareholders including an airline partner, and to give precise information on the latest economic and financial developments which is essential to carrying out a realistic assessment of the company's current financial standing. Furthermore, the Belgian Government did not comment explicitly on the Commission's request not to maintain or to introduce other new measures with the effect of favouring Sabena in relation to other carriers operating to and from Belgium. Finally, the Belgian Government announced its intention to provide more detailed confidential information.

In view of these outstanding questions, a meeting with representatives of the Belgian authorities took place on 4 July 1991.

At this meeting, clarifying a number of questions related to the financial arrangements, it became evident that arrangements with new private partners, including an airline partner have not yet been finally concluded.

In the context of negotiations with potential investors the substance of a new company statute does play a major role. The Belgian authorities committed themselves to make the full text available to the Commission immediately after the completion of these negotiations.

The representatives also confirmed that the State-held shares ('actions privilégiées') will be transformed into normal capital during the first phase of the restructuring programme. The other shares, however, will continue to enjoy a special status ('actions préférentielles') including a guaranteed dividend until the end of 1995. Until that date, these shareholders will have the option to return the shares to the State or to accept their conversion into normal risk capital.

Existing shareholders agreed to accept a reduction of the level of the guaranteed dividend from 10 to 8 %, i.e. from Bfrs 50 per share to Bfrs 40. This will in practice mean that the company will, irrespective of its financial situation, have to pay guaranteed dividends totalling Bfrs 1,3 billion during the restructuring programme, i.e. between 1992 and 1995. Other existing financial guarantees will, however, be phased out immediately.

⁽¹⁾ OJ No C 138, 29. 5. 1991, p. 3.

The Belgian authorities stressed their view that no other measures apart from the proposed State aid, which favour Sabena in relation to other air carriers operating to and from Belgium, exist nor are envisaged. They specifically contested the view that exclusive rights in the area of ground handling at Zaventem airport and catering represent a privileged treatment.

The Belgian authorities also underlined that the aeronautical authorities are already going beyond Community requirements when designating other air carriers to scheduled flights inside the Community.

By letter dated 9 July 1991 the Belgian Government gave written explanations and clarifications on these points, including an update of the latest financial development and the most recent operational results.

Following the publication in the Official Journal, two other air carriers, an airline association, a consumer organization and two Member States presented their observations.

IV

In view of the accumulated debts and the costs of the restructuring programme, no investor apart from the State would at present be prepared to take part in the restructuring programme of Sabena. Therefore, the proposals notified by the Belgian Government have to be considered as State aid within the meaning of Article 92 (1) of the EEC Treaty.

The setting up of a common aviation marked by gradually phasing out bilateral restrictions on market access and capacity sharing and by relaxing rules on air fares has increased potential competition on many of the routes incorporated in Sabena's network. This trend should continue in the years to come. Consequently the aid to Sabena distorts or threatens to distort competition between this airline and other air carriers in the Community.

Article 92 (3) of the Treaty specifies the types of aid which may be considered to be compatible with the common market. Such compatibility must be determined in the context of the Community and not of a single Member State. Article 92 (3) provides for exceptions from the principle set out in Article 92 (1): but in order to ensure that the common market functions properly, and in the light of Article 3 (f) of the Treaty, those exceptions

must be strictly construed when an aid scheme or a particular application of such exceptions is being examined.

In particular, those exceptions are applicable only in cases where the Commission is able to establish that, without the aid, market forces alone would not be sufficient to persuade the future recipient of aid to act in such a way as to help achieve one of the objectives of those exceptions.

Article 92 (3) (a) and (c) provides for exceptions in respect of aid to promote or facilitate the development of certain regions. The proposed aid scheme, however, does not qualify for the exceptions provided for in Article 92 (3) (a) since, in Belgium, the standard of living is not abnormally low nor is there serious underemployment. Nor can the aid scheme be described as intended 'to facilitate the development... of certain economic areas' (Article 92 (3) (c), since it does not serve the purposes of any earlier investment or of job creation as is stipulated in the Commission's 1979 communication on regional aid systems⁽¹⁾). In any case, the Belgian Government has put forward no regional arguments in support of the proposed aid.

As for Article 92 (3) (b), the evidence suggests that the aid in question was not intended to promote the execution of an important project of common European interest nor to remedy a serious disturbance in the Belgian economy. Moreover, the Belgian Government has not invoked this.

With regard to the exception under Article 92 (3) (c) for 'aid to facilitate the development of certain economic activities', the Commission may consider some restructuring aid as compatible with the common market if it meets a number of conditions⁽²⁾. These conditions must be seen in the context of the two principles enunciated in Article 92 (3) (c) — i.e. that the aid must be required for developing the activity from the standpoint of the Community and that the aid may not adversely affect trading conditions to an extent contrary to the common interest⁽³⁾.

These criteria have been interpreted in a sectoral (aviation) context in Memorandum No 2 which stipulates that the Commission may in certain cases decide in accordance with Article 92 that aid may be granted to individual airlines which have serious financial difficulties, provided certain conditions are met:

⁽¹⁾ OJ No C 31, 3. 2. 1979, p. 9.

⁽²⁾ Eighth report on competition policy, point 176.

⁽³⁾ See the Judgment of the Court of Justice of 17 September 1980 in Case No 730/79 — Philip Morris — [1980] ECR, p. 2671.

- (a) The aid must form part of a programme, to be approved by the Commission, to restore the airline's health, so that it can, within a reasonably short period, be expected to operate viably without further aid. Thus the aid must be of limited duration. If the restoration of financial viability requires capacity reductions, this would be included in the programme. Any alterations in the programme would also have to be approved by the Commission. Naturally any proposed changes to the aid would also have to be notified to the Commission.
- (b) The aid in question must not transfer the difficulties from that Member State to the rest of the Community.
- (c) Any such aid must be structured so that it is transparent and can be verified.

In the case of Sabena it must at first be concluded that the company is, if assessed by normal commercial standards, in a difficult financial position. On the basis of the latest figures submitted on 9 July 1991 by the Belgian Government, the debt-equity ratio of about 4 : 1 is, against normal standards of the airline industry, very poor. The operations of the airline (Sabena World Airlines) led in 1990 to a net loss of Bfrs 7 462 billion on a total turnover of Bfrs 42 055 billion. Additional losses totalling Bfrs 259 million have been suffered by the subsidiaries Sabena Catering and Sabena Technics.

This weak financial situation results from various reasons among which low labour productivity and high personnel costs have played a major role.

In the short run the crucial point for Sabena will be, on the one hand, to make full use of the market potential Brussels offers and, on the other hand, to keep cost factors under control.

The intention of the air carrier Sabena to reduce the staff by 29 % and the willingness of the Belgian State to compensate for the cost of these lay-offs can be seen, under these circumstances, as important steps for regaining commercial viability.

In addition, the Government's request to develop a new commercially-oriented company statute and to increase substantially the share of private risk capital suggests a political willingness to restrict the role of the State to that of a normal shareholder and to abstain from (potentially cost-increasing) interventions for other than commercial reasons.

However, the contents of Sabena's new company statute must be clarified.

The fact that the decisions on the company's new statutes have yet to be taken has to be considered as an uncertainty in relation to the company's and the Belgian State's effective commitment to put the company on a genuine commercial footing and to solve, thereby, one of the most important underlying reasons for the developments during the past. Any decision of the Commission approving the measures must, therefore, be linked to the modification of the company statutes of Sabena.

It is also essential to ensure that new shareholders do not enjoy privileges and guarantees. Such guarantees could only be taken as a lack of confidence on behalf of private investors in the possibility of re-establishing long-term viability. Since arrangements with new shareholders have yet to be concluded, approval by the Commission would necessitate checking the Belgian State's commitment in this field. Only the provision of genuine risk capital sufficiently indicates the commercial viability of the restructuring concept. It is, therefore, necessary to oblige the Belgian Government to report regularly on the substance of decisions taken in this context.

The aid in question must be granted degressively and be clearly linked to the restructuring process.

The two-step approach envisaged by the Belgian Government can be seen as some form of degressive support. The Belgian Government has committed itself in a sufficiently clear way not to go ahead with the second capital injection of Bfrs 9 billion if an airline partner has not been found and if private shareholders will not contribute at least Bfrs 10 billion to Sabena's restructuring process. Major private investments following a massive 'clean-up' of the burden resulting from the past can be seen as ensuring the degressive nature of the whole operation.

The intensity of the aid must be reasonably related to the size of the underlying problems in order to keep possible distortions of competition to a minimum.

The question whether the proposed support for Sabena will go beyond the level required for the purpose of restoring the company, needs to be assessed in a broader context taking into account the acropolitical environment.

The Belgian Government has, in the past, taken cautious steps to open up the Belgian market and to grant, to a limited extent and only on an individual case-by-case basis, licences for scheduled air transport to other carriers, namely to TEA.

The question whether the proposed aid amounts exceed the level required for achieving the objectives of the restructuring process also depends on the use of the additional funds.

The business plans presented by the company concerned indicate that these resources will largely be used for two purposes.

Firstly for writing off accumulated debts. Between 1984 and 1990 financial debt had increased from Bfrs 17 to 43 billion. The corresponding poor debt-equity ratio will be improved in order to re-establish commercial viability.

Secondly, resources will be used to fulfil modernization needs. The fleet modernization will require investments amounting to Bfrs 46 250 billion until 1995. The new equipment is required in order to lower operating costs and to comply with stricter noise emission rules as established by Community legislation.

These investments will not increase the capacities offered by Sabena. The restructuring of Sabena's network towards profitable routes will initially lead to a reduction of the capacities measured as available ton-kilometres (ATK) from nearly 2 000 million in 1990 to about 1 300 million ATKs in 1993. Afterwards an increase in line with the overall development of traffic volume is expected.

However, the aid could at the end of the restructuring process eventually lead to improving Sabena's financial standing (i.e. debts-equity ratios) above levels actually achievable by some of Sabena's competitors.

Information made available to the Commission suggests that the Belgian authorities and the company concerned envisage a debt-equity ratio of about 1 : 25 as an objective to be achieved by the end of the recapitalization process.

In a normal micro-economic and sectorial environment this level can be considered as indicating a well-balanced financial situation in line with standards of the industry.

At present however, certain Community air carriers have, due to the general difficult situation of the aviation industry, a less sound financial structure.

Under these circumstances the financial support is justifiable only under the condition that the Belgian Government commits itself to avoid all forms of privileged treatment in areas determining the competitiveness of companies operating to and from Belgium.

V

In the light of the foregoing, the Commission considers that the exception laid down in Article 92 (3) (c) of the EEC Treaty can be applied to the aid measures proposed by the Belgian Government for supporting the restructuring programme of the air carrier Sabena if a number of conditions are fulfilled in order to ensure that the aid does not adversely affect trading conditions to an extent contrary to the common interest,

HAS ADOPTED THIS DECISION :

Article 1

The aid in favour of the air carrier Sabena, as notified on 5 April 1991 by the Belgian Government to the Commission :

- transfer of Bfrs 16,2 billion State debt into Sabena's capital,
- direct capital injection totalling Bfrs 19 billion, thereof Bfrs 10 billion during the first phase and Bfrs 9 billion during the second phase,
- capital reduction with cancellation of ordinary shares held by the Belgian State amounting to Bfrs 30,2 billion and made up of :
 - wiping out losses of Bfrs 22,6 billion,
 - provision for restructuring Bfrs 7,6 billion,

are compatible with the common market within the meaning of Article 92 (3) (c) of the EEC Treaty, under the condition that the Belgian Government :

- complies with its undertaking to abstain from granting any further aid or other new measures favouring directly or indirectly the air carrier Sabena or lowering the commercial risks of its shareholders,
- complies with its undertaking not to grant any form of privileged treatment of Sabena in relation to other Belgian air carriers in the area of designation for traffic rights and in relation to all Community air carriers in the areas of slot scheduling, ground handling, catering and other airport-related activities,
- complies with its undertaking to transform privileged shares 'actions privilégiées' with effect from 31 December 1992 at the latest into normal risk shares 'parts sociales',

- complies with its undertaking to base the new company statutes on private commercial law excluding the possibility of the Belgian State to intervene for other than commercial reasons, and to forward the new statutes to the Commission upon their adoption,
- complies with its undertaking to implement the restructuring plan by the end of 1995 in accordance with the procedures notified to the Commission and in particular the undertaking not to subscribe to the increase in capital provided for during the second stage of the restructuring plan unless an industrial partner subscribes to a significant proportion of that increase.

The Belgian Government shall inform the Commission on a yearly basis, and in particular before initiating the second phase of the restructuring programme, of the economic and financial performance of the carrier

Sabena, strategic decisions including cooperation and major investments.

Article 2

The Belgian Government shall inform the Commission within two months of the date of notification of this Decision of the measures taken to comply herewith.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 24 July 1991.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION**of 18 October 1991****on the seventh invitation to tender issued pursuant to the standing invitation to tender referred to in Regulation (EEC) No 863/91**

(91/556/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Article 6 (7) thereof,Whereas, pursuant to Commission Regulation (EEC) No 863/91 of 8 April 1991 on the special sale of intervention butter for export to the Soviet Union ⁽³⁾, as last amended by Regulation (EEC) No 2535/91 ⁽⁴⁾, intervention agencies have issued a standing invitation to tender in respect of certain quantities of butter which they hold;

Whereas, in accordance with Article 4 of that Regulation, the minimum selling price must be determined in the light of the tenders received for each invitation to tender, or a decision must be taken not to proceed with the tendering procedure;

Whereas on the basis of the examination of the offers received, the tendering procedure should not be proceeded with;

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

HAS ADOPTED THIS DECISION:

Article 1

For the seventh special invitation to tender issued in accordance with Regulation (EEC) No 863/91, for which tenders had to be submitted not later than 8 October 1991, no award shall be made.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.⁽³⁾ OJ No L 88, 9. 4. 1991, p. 11.⁽⁴⁾ OJ No L 236, 24. 8. 1991, p. 18.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 3069/91 of 21 October 1991 on the supply of various consignments of white sugar as food aid

(Official Journal of the European Communities No L 290 of 22 October 1991)

On pages 7, 9 and 10 at point 25:

for: '31. 10. 1991',

read: '10. 10. 1991'.
