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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3402/91
of 19 November 1991**

amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and the Common Customs Tariff and Regulation (EEC) No 2915/79 determining the groups of products and the special provisions for calculating levies on milk and milk products

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 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 14 (6) thereof,

Having regard to the proposal from the Commission,

Whereas the distinction between fresh cheeses falling within CN code 0406 according to whether they are fermented or not gives rise to monitoring problems; whereas the Customs Cooperation Council has recommended that all fresh cheeses be regrouped under CN code 0406 10; whereas, therefore, Regulation (EEC) No 2915/79 ⁽³⁾, as last amended by Regulation (EEC) No 3116/90 ⁽⁴⁾, should be amended and Commission Regulation (EEC) No 2658/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2587/91 ⁽⁶⁾, should be adapted accordingly; whereas also the opportunity should be used to review the classification of certain products,

HAS ADOPTED THIS REGULATION:

Article 1

The combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EEC) No 2915/79 is hereby amended as follows:

1. Article 7 shall be amended as follows:

- The first sentence of paragraph 1 shall be replaced by the following:
‘1. if it falls within CN codes 0406 10 20 and 0406 90 93, to the sum of the following components:’
- The first sentence of paragraph 2 shall be replaced by the following:
‘2. if it falls within CN codes 0406 10 80 and 0406 90 99, to the sum of the following components:’

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 303, 31. 10. 1990, p. 1.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 259, 16. 9. 1991, p. 1.

2. In the Annex, the product groups in Group 11 shall be replaced by the following groups :

Number of group	Groups of products according to the combined nomenclature	Pilot product for each group of products
'11	0406 10 0406 30 0406 90 23 0406 90 25 0406 90 27 0406 90 29 0406 90 31 0406 90 33 0406 90 35 0406 90 37 0406 90 39 0406 90 50 0406 90 73 0406 90 75 0406 90 77 0406 90 79 0406 90 81 0406 90 85 0406 90 89 0406 90 93 0406 90 99	Whole cheese, having matured for six to eight weeks, with a fat content of 45 % by weight in the dry matter, without packaging'

Article 3

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 19 November 1991.

For the Council

The President

P. BUKMAN

ANNEX

CN Code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
0406	Cheese and curd :			
0406 10	— fresh (unripened or uncured) cheese, including whey cheese, and curd			
0406 10 20	— — of a fat content, by weight, not exceeding 40 %	23 (AGR)	—	—
0406 10 80	— — other	23 (AGR)	—	—
0406 20 to 0406 90 50	} unchanged			
	— — — — other :			
	— — — — — of a fat content, by weight, not exceeding 40 % and a water content, by weight, in the non-fatty matter :			
	— — — — — not exceeding 47 % :			
0406 90 61	— — — — — — Grana padano, Parmigiano Reggiano	23 (AGR)	—	—
0406 90 63	— — — — — — Fiore sardo, Pecorino	23 (AGR)	—	—
0406 90 69	— — — — — — other	23 (AGR)	—	—
	— — — — — — exceeding 47 % but not exceeding 72 % :			
0406 90 73	— — — — — — Provolone	23 (AGR)	—	—
0406 90 75	— — — — — — Asiago, Caciocavallo, Montasio, Ragusano	23 (AGR)	—	—
0406 90 77	— — — — — — Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø	23 (AGR)	—	—
0406 90 79	— — — — — — Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	23 (AGR)	—	—
0406 90 81	— — — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	23 (AGR)	—	—
0406 90 85	— — — — — — Kefalograviera, Kasserli	23 (AGR)	—	—
0406 90 89	— — — — — — other	23 (AGR)	—	—
0406 90 93	— — — — — — exceeding 72 %	23 (AGR)	—	—
0406 90 99	— — — — — — other	23 (AGR)	—	—

COUNCIL REGULATION (EEC) No 3403/91

of 18 November 1991

opening and providing for the administration of a Community tariff quota for
fresh or dried hazelnuts, shelled or not, originating in Turkey (1992)

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 the Annex to Council Regulation (EEC) No 3721/84 of 18 December 1984 on imports into the Community of agricultural products originating in Turkey⁽¹⁾, provides that fresh or dried hazelnuts, shelled or not and originating in Turkey shall be admitted on importation into the Community at zero duty within the limits of a Community tariff quota of 25 000 tonnes; whereas the Community tariff quota concerned should therefore be opened for 1992;

Whereas, however, within the limits of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other⁽²⁾;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all

imports of the products in question into the Member States until the quota is exhausted;

Whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration required 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 the quota may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1992 the customs duty applicable to imports into the Community of the following products originating in Turkey shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	rate of quota duty (%)
09.0201	0802 21 00 0802 22 00	Fresh or dried hazelnuts, shelled or not	25 000	0

Within the limits of this tariff quota the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with Regulation (EEC) No 2573/87.

2. Imports of the products in question may not be charged against this tariff quota if they already qualify for the same customs duties under other preferential tariff arrangements.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

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

⁽¹⁾ OJ No L 343, 31. 12. 1984, p. 6.

⁽²⁾ OJ No L 250, 1. 9. 1987, p. 1.

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

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

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

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to

the quota for such time that the residual balance of the quota volume permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 18 November 1991.

For the Council

The President

J. E. ANDRIESEN

COMMISSION REGULATION (EEC) No 3404/91

of 22 November 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 21 November 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 23 November 1991.

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

Done at Brussels, 22 November 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 22 November 1991 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

CN code	Levy (ECU/tonne)
0709 90 60	129,91 ⁽²⁾ ⁽³⁾
0712 90 19	129,91 ⁽²⁾ ⁽³⁾
1001 10 10	179,99 ⁽¹⁾ ⁽³⁾
1001 10 90	179,99 ⁽¹⁾ ⁽³⁾
1001 90 91	156,74
1001 90 99	156,74
1002 00 00	162,35 ⁽⁶⁾
1003 00 10	141,02
1003 00 90	141,02
1004 00 10	130,05
1004 00 90	130,05
1005 10 90	129,91 ⁽²⁾ ⁽³⁾
1005 90 00	129,91 ⁽²⁾ ⁽³⁾
1007 00 90	138,84 ⁽⁴⁾
1008 10 00	65,81
1008 20 00	128,08 ⁽⁴⁾
1008 30 00	80,12 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	80,12
1101 00 00	232,44 ⁽⁸⁾
1102 10 00	240,29 ⁽⁸⁾
1103 11 10	292,24 ⁽⁸⁾
1103 11 90	249,62 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3405/91

of 22 November 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 21 November 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 23 November 1991.

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

Done at Brussels, 22 November 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 22 November 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 11	1st period 12	2nd period 1	3rd period 2
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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
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 3406/91

of 22 November 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 300 tonnes of cereals;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 22 November 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

1. **Operation No** (1): 915/91
2. **Programme**: 1991
3. **Recipient** (2): CICR, 19 avenue de la Paix, CH 1202 Genève, tel. 734 60 01, telex 22269 CICR-CH
4. **Representative of the recipient** (2): ICRC Delegation, Immeuble de Makarem, rue de Koweit, Hamra, Ras-Beyrouth, Beyrouth, Lebanon, tel. (009611) 80 17 91/2, telex 20330 CICR LE
5. **Place or country of destination**: Lebanon
6. **Product to be mobilized**: pasta (spaghetti)
7. **Characteristics and quality of the goods** (3): spaghetti; see OJ No C 114, 29. 4. 1991, p. 1 (under II.C.1 a)
8. **Total quantity**: 150 tonnes (300 tonnes cereals)
9. **Number of lots**: one
10. **Packaging and marking** (7): see OJ No C 114, 29. 4. 1991, p. 1 [under II.C.2 a (Cartons of 25 kg) and II.C.3]:
markings in French
supplementary markings on the packaging: 'LB-254 — Beyrouth'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: Beira
15. **Port of landing**: Beirut
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 6 — 20. 1. 1992
18. **Deadline for the supply**: 10. 2. 1992
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 10. 12. 1991
21. **A. In the case of a second 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 where the supply is awarded at the port of shipment stage: 13. — 27. 1. 1992
 - (c) deadline for the supply: 17. 2. 1992**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 7. 1. 1992
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 27. 1 — 10. 2. 1992
 - (c) deadline for the supply: 2. 3. 1992
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles, telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 25. 11. 1991, fixed by Commission Regulation (EEC) No 3204/91 (OJ No L 303, 1. 11. 1991, p. 54)

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 beneficiaries a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 levels.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- 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 the Annexes.
- (⁶) The successful tenderer is to contact the recipients as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁷) Shipment to take place in 20-foot containers.
- The free holding period for containers must be at least 15 days.
-

COMMISSION REGULATION (EEC) No 3407/91

of 22 November 1991

introducing a system for reimbursing the basic co-responsibility levy for the 1991/1992 marketing year to producers taking part in the scheme for the set-aside of agricultural land

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1703/91 of 13 June 1991 introducing a temporary set-aside scheme for arable land for the 1991/1992 marketing year, and laying down special measures for that marketing year under the set-aside scheme provided for in Regulation (EEC) No 797/85⁽¹⁾, and in particular Article 8 thereof,

Whereas Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures⁽²⁾, replaced Regulation (EEC) No 797/85;

Whereas Regulation (EEC) No 1703/91 provides for the total reimbursement of the co-responsibility levy collected during the 1991/1992 marketing year among other incentives to participate in the temporary set-aside scheme; whereas the co-responsibility levy for the 1991/1992 marketing year was increased from 3 % to 5 % of the intervention price for the marketing year in question;

Whereas Regulation (EEC) No 1703/91 also provides for the reimbursement of that part of the basic co-responsibility levy exceeding the rate applied in 1990/91 in respect of quantities of cereals sold during the 1991/1992 marketing year by producers taking part in the multi-annual set-aside scheme in order to avoid damaging their interests; whereas that the amount of that reimbursement should be fixed and the practical rules for applying it should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

Producers taking part in the scheme for the set-aside of arable land provided for in Regulation (EEC) No 2328/91 during the period referred to in Article 1 (1) of Regulation (EEC) No 1703/91 shall be reimbursed in part for the co-responsibility levy payable by them under the conditions laid down herein.

⁽¹⁾ OJ No L 162, 26. 6. 1991, p. 1.⁽²⁾ OJ No L 218, 6. 8. 1991, p. 1.*Article 2*

1. The reimbursement shall be equal to ECU 3,37 per tonne.
2. The reimbursement shall be due for quantities of cereals placed on the market during the 1991/92 marketing year, less quantities exempt from the co-responsibility levy under Article 4 (1) of Council Regulation (EEC) No 2727/75⁽³⁾.
3. The Member States may fix a minimum amount per producer below which reimbursement is not made. That amount may not exceed ECU 25 per producer.

Article 3

1. Reimbursement shall be made between 16 October and 31 December 1992 on application from the parties concerned.
2. Reimbursement applications must be accompanied by supporting documents showing that the applicant has paid the co-responsibility levy provided for in Article 4 of Regulation (EEC) No 2727/75. The Member States may demand that other supporting documents be presented.

Article 4

Within the meaning of Article 5 of Council Regulation (EEC) No 1676/85⁽⁴⁾, the operative event for entitlement to the aid shall be deemed to have occurred on 1 July 1991.

Article 5

1. The Member States shall take any additional measures required to ensure reimbursement in accordance with this Regulation, and in particular measures to verify supporting documents on the basis of the information available to the bodies responsible for collecting the co-responsibility levy. They may ask the operators to provide any further information which they consider useful.
2. In the event of undue reimbursement of the co-responsibility levy, the sum concerned shall be

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

recovered plus interest calculated depending on the time elapsing between payment of the sum and its recovery from the recipient. The Member States shall fix the interest rate to be applied for that circulation on the basis of the interbank interest rate applicable on the last working day of the month of payment to the applicant, plus 2 %.

3. The amounts referred to in paragraph 2 shall be paid to the paying agencies or departments and shall be

deducted by the latter from the expenditure financed by the EAGGF Guarantee Section.

Article 6

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

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

Done at Brussels, 22 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3408/91**of 22 November 1991****altering the export refunds 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 Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fifth subparagraph of Article 16 (2) thereof,Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 3401/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3401/91 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,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3401/91 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 23 November 1991.

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

Done at Brussels, 22 November 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 320, 22. 11. 1991, p. 22.

ANNEX

to the Commission Regulation of 22 November 1991 altering the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination (1)	Amount of refund (ECU/tonne)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	120,00
	05	40,00
	06	35,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	77,00
	05	32,00
	02	20,00
1002 00 00 000	03	31,00
	07	85,00
	02	30,00
1003 00 10 000	08	80,00
	02	0
1003 00 90 000	04	31,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	122,00
1101 00 00 130	01	114,00
1101 00 00 150	01	105,00
1101 00 00 170	01	97,00
1101 00 00 180	01	91,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	122,00
1102 10 00 900	—	—
1103 11 10 100	01	200,00
1103 11 10 200	01	200,00
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	122,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 The Soviet Union,
- 06 Algeria,
- 07 Zone II b),
- 08 Turkey.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 3409/91

of 22 November 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 3366/91 ⁽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 21 November 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 23 November 1991.

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

Done at Brussels, 22 November 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 318, 20. 11. 1991, p. 36.

⁽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 22 November 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,80 ⁽¹⁾
1701 11 90	39,80 ⁽¹⁾
1701 12 10	39,80 ⁽¹⁾
1701 12 90	39,80 ⁽¹⁾
1701 91 00	44,74
1701 99 10	44,74
1701 99 90	44,74 ⁽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 3410/91

of 22 November 1991

fixing the amount of the subsidy on oil seeds

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1720/91 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2922/91 ⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commis-

sion Regulation (EEC) No 3198/91 ⁽⁷⁾, as last amended by Regulation (EEC) No 3387/91 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3198/91 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 November 1991.

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

Done at Brussels, 22 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 279, 7. 10. 1991, p. 43.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 303, 1. 11. 1991, p. 34.

⁽⁸⁾ OJ No L 319, 21. 11. 1991, p. 63.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

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

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	15,860	16,198	16,416	16,514	15,286	15,564
— Portugal	24,940	25,278	25,496	25,594	24,366	24,644
— Other Member States	15,860	16,198	16,416	16,514	15,286	15,564
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	37,34	38,13	38,65	38,88	35,99	36,64
— Netherlands (Fl)	42,07	42,97	43,54	43,80	40,55	41,28
— BLEU (Bfrs/Lfrs)	770,10	786,51	797,10	801,86	742,23	755,73
— France (FF)	125,22	127,89	129,61	130,39	120,69	122,89
— Denmark (Dkr)	142,42	145,46	147,41	148,29	137,27	139,76
— Ireland (£ Irl)	13,937	14,234	14,426	14,512	13,433	13,686
— United Kingdom (£)	12,459	12,729	12,902	12,978	11,986	12,208
— Italy (Lit)	27 937	28 532	28 916	29 089	26 926	27 352
— Greece (Dr)	3 807,01	3 876,65	3 893,69	3 882,40	3 545,37	3 492,76
— Spain (Pta)	2 441,98	2 492,64	2 525,60	2 537,74	2 357,11	2 384,07
— Portugal (Esc)	5 273,93	5 343,98	5 389,59	5 407,08	5 157,83	5 196,10

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	17,110	17,448	17,666	17,764	16,536	16,814
— Portugal	26,190	26,528	26,746	26,844	25,616	25,894
— Other Member States	17,110	17,448	17,666	17,764	16,536	16,814
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	40,28	41,08	41,59	41,82	38,93	39,58
— Netherlands (Fl)	45,39	46,28	46,86	47,12	43,86	44,60
— BLEU (Bfrs/Lfrs)	830,80	847,21	857,80	862,55	802,93	816,43
— France (FF)	135,09	137,76	139,48	140,26	130,56	132,76
— Denmark (Dkr)	153,65	156,68	158,64	159,52	148,49	150,99
— Ireland (£ Irl)	15,036	15,333	15,524	15,611	14,531	14,785
— United Kingdom (£)	13,453	13,723	13,896	13,972	12,980	13,202
— Italy (Lit)	30 138	30 734	31 118	31 290	29 127	29 554
— Greece (Dr)	4 122,16	4 191,80	4 208,84	4 197,55	3 860,52	3 807,91
— Spain (Pta)	2 630,52	2 681,18	2 714,14	2 726,28	2 545,64	2 572,61
— Portugal (Esc)	5 534,78	5 604,83	5 650,44	5 667,92	5 418,68	5 456,95

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1. Gross aids (ECU):					
— Spain	27,405	27,795	28,067	28,390	27,702
— Portugal	34,566	34,955	35,228	35,551	34,882
— Other Member States	16,136	16,525	16,798	17,121	16,452
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	37,99	38,90	39,55	40,31	38,73
— Netherlands (Fl)	42,80	43,83	44,56	45,41	43,64
— BLEU (Bfrs/Lfrs)	783,50	802,39	815,65	831,33	798,85
— France (FF)	127,40	130,48	132,63	135,18	129,90
— Denmark (Dkr)	144,90	148,39	150,84	153,74	147,74
— Ireland (£ Irl)	14,180	14,522	14,762	15,046	14,458
— United Kingdom (£)	12,646	12,957	13,174	13,431	12,889
— Italy (Lit)	28 423	29 108	29 589	30 158	28 979
— Greece (Dr)	3 837,73	3 916,87	3 940,28	3 982,29	3 795,77
— Portugal (Esc)	7 291,84	7 372,51	7 429,55	7 492,65	7 357,61
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 189,80	4 248,30	4 289,37	4 334,46	4 233,79
— in another Member State (Pta)	4 253,35	4 311,69	4 352,91	4 398,12	4 300,20

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

ANNEX IV

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

(value of ECU 1)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
DM	2,042820	2,041590	2,040720	2,039850	2,039850	2,037330
Fl	2,302120	2,301090	2,299950	2,298930	2,298930	2,296370
Bfrs/Lfrs	42,053500	42,030000	42,007900	41,990400	41,990400	41,937600
FF	6,979750	6,977400	6,973490	6,970190	6,970190	6,961590
Dkr	7,936650	7,932200	7,926650	7,923660	7,923660	7,915410
£Irl	0,765141	0,765422	0,765459	0,765398	0,765398	0,760839
£	0,706386	0,706664	0,706835	0,706922	0,706922	0,707098
Lit	1 539,95	1 541,68	1 543,61	1 545,39	1 545,39	1 551,00
Dr	231,53400	233,72700	236,04000	238,09000	238,09000	244,95600
Esc	178,07500	178,30000	178,70300	179,19200	179,19200	180,28200
Pta	128,69400	128,98300	129,25600	129,51400	129,51400	130,28200

COMMISSION REGULATION (EEC) No 3411/91**of 21 November 1991****amending Regulation (EEC) No 964/91 concerning the classification of certain goods in the combined nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1991 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2242/91⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 964/91⁽³⁾, as amended by Regulation (EEC) No 2293/91⁽⁴⁾, which classified, amongst other items, certain mushrooms in CN code 2003 10 10, is applicable in this respect from 1 November 1991; whereas it appears desirable, for reasons connected with the common commercial policy, to postpone for a further period this date which has already been postponed once before; whereas it is appropriate to amend Regulation (EEC) No 964/91 accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The date of 1 November 1991 appearing in Article 2, paragraph two, of Regulation (EEC) No 964/91 shall be replaced by 1 May 1992.

Article 2

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

It is applicable from 1 November 1991.

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

Done at Brussels, 21 November 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 204, 27. 7. 1991, p. 21.

⁽³⁾ OJ No L 100, 20. 4. 1991, p. 14.

⁽⁴⁾ OJ No L 209, 31. 7. 1991, p. 22.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 November 1991

concerning the conclusion of the Convention on the International Commission
for the Protection of the Elbe

(91/598/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

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

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

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

Having regard to the Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 19 October 1987 on the continuation and implementation of a European Community policy and action programme on the environment (1987-1992) ⁽⁴⁾, and the fourth action programme of the European Communities on the environment, annexed to the said Resolution, hereafter called 'Fourth Action Programme',

Whereas the Fourth Action Programme, in continuation of the earlier Action Programmes, lists amongst its main areas of activity, monitoring and control with a view to improving water quality and reducing pollution;

Whereas the Fourth Action Programme calls for active participation by the Community and its Member States in international action for the protection of the environment and attaches, in this framework, particular importance to bilateral liaisons with third countries;

Whereas the Convention on the International Commission for the Protection of the Elbe, signed in Magdeburg on 8 October 1990, provides in particular for the establishment of an international commission to prevent the

pollution of the Elbe and its drainage area, as far as covered by this Convention;

Whereas the existing Community legislation on water pollution currently applies to the Elbe and its tributaries where they run through the territory of the Federal Republic of Germany;

Whereas it appears necessary for the Community to approve the Convention in order to attain one of the objectives of the Community as regards the preservation, protection and improvement of the quality of the environment, as provided for in the Single European Act;

Whereas the said Convention was signed on behalf of the Community on 8 October 1990,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention on the International Commission for the Protection of the Elbe is hereby approved on behalf of the European Economic Community.

The text of the Convention is attached hereto.

Article 2

The President of the Council will, on behalf of the European Economic Community, inform the Federal Republic of Germany, in its capacity as depositary State, that the preconditions for the entry into force of the Convention have been fulfilled as far as the Community is concerned, in accordance with the first subparagraph of Article 18 of the Convention.

Done at Brussels, 18 November 1991.

For the Council

The President

J. E. ANDRIESEN

⁽¹⁾ OJ No C 93, 11. 4. 1991, p. 10.

⁽²⁾ OJ No C 158, 17. 6. 1991, p. 291.

⁽³⁾ OJ No C 191, 22. 7. 1991, p. 21.

⁽⁴⁾ OJ No C 328, 7. 12. 1987, p. 1.

EEC TRANSLATION

CONVENTION

on the International Commission for the Protection of the Elbe

THE GOVERNMENTS OF THE FEDERAL REPUBLIC OF GERMANY AND OF THE CZECH AND SLOVAK FEDERAL REPUBLIC AND THE EUROPEAN ECONOMIC COMMUNITY (hereinafter referred to as the 'contracting parties'),

CONCERNED about keeping the river Elbe free from pollution,

RESOLVED to prevent its further pollution and to improve its current state,

RECOGNIZING the need to make a sustained contribution to the reduction of pollution in the North Sea arising from the Elbe,

CONVINCED of the urgency of these tasks, and

INTENDING to increase the cooperation that already exists between the contracting parties in this area,

HAVE AGREED THE FOLLOWING :

Article 1

1. The contracting parties shall cooperate in the International Commission for the Protection of the Elbe, hereinafter referred to as the Commission, to prevent the pollution of the Elbe and its drainage area.

2. They shall in so doing in particular endeavour :

- (a) to enable use to be made of the river, in particular the obtaining of supplies of drinking water from bank-filtered waters and the agricultural use of the waters and sediments ;
- (b) to achieve as natural an ecosystem as possible with a healthy diversity of species ;
- (c) to reduce substantially the pollution of the North Sea from the Elbe area.

3. In order to attain these objectives step-by-step, the contracting parties within the framework of the Commission shall determine the tasks to be carried out as a priority in the form of work programmes with timetables. These programmes shall provide, *inter alia*, proposals for the application of state-of-the-art techniques for the reduction of emissions and for measures to reduce pollution from various sources.

4. This Convention does not cover matters relating to the fishing industry and shipping ; however, this does not exclude the consideration of matters relating to the protection of the waters against pollution caused by these activities.

Article 2

1. In particular, the Commission shall :

- (a) prepare surveys showing major point sources of discharges of harmful materials (discharge charts), estimate water pollution from diffuse sources and extrapolate both of these,
- (b) propose limit values for the discharge of effluent,
- (c) propose specific quality objectives taking account of the requirements with regard to the use of the waters, the particular conditions for the protection of the North Sea and the natural aquatic communities,
- (d) propose and coordinate the implementation of joint programmes of measurements and investigations to demonstrate the quality of the waters, sediments and effluent and to describe the aquatic and coastal communities, and shall record and evaluate the findings,
- (e) compile standardized methods for the classification of water quality in the Elbe,
- (f) propose specific action for the reduction of discharges of harmful materials from the point sources of both local authorities and industry and from diffuse sources and further measures including timetables and a cost assessment,
- (g) propose protective measures to prevent water pollution resulting from accidents,
- (h) propose a uniform warning and alert system for the drainage area, to be updated according to experience,
- (i) describe the hydrological situation in the Elbe area and record the main influencing factors (Elbe monograph),

- (j) provide documentary evidence regarding the ecological importance of the various biotope elements of the waters and proposals regarding the improvement of conditions for aquatic and coastal communities,
- (k) discuss planned and, upon request by a delegation, existing types of utilization of the waters which may have serious international repercussions, including hydraulic structures and regulation of the waters,
- (l) promote cooperation in particular on scientific research projects and regarding the exchange of information especially on the state of technology,
- (m) prepare the basis for any regulation between the contracting parties regarding the protection of the Elbe and its drainage area.

2. The Commission shall furthermore be responsible for all other matters assigned to it by the contracting parties by joint agreement.

Article 3

This Convention shall apply in the territories in which the Treaty establishing the European Economic Community is applicable and under the terms of that Treaty, on the one hand, and in the territory of the Czech and Slovak Federal Republic, on the other hand.

Article 4

The contracting parties shall inform the Commission of all the basic matters required for the Commission to fulfil its tasks and of the measures taken and the total resources used therefor. The Commission may submit proposals to the contracting parties regarding improvements.

Article 5

1. The Commission shall consist of the delegations of the contracting parties. Each contracting party shall appoint a maximum of five delegates and their deputies, including the head of the delegation and his deputy.
2. Each delegation may call in experts which it appoints for the consideration of certain matters.

Article 6

1. The chairmanship of the Commission shall be held by the delegations of the contracting parties in turn. Details regarding the provision of a chairman shall be determined by the Commission and included in its rules of procedure; the delegation chairing the Commission shall appoint one of its members as Chairman. This delegation may appoint a further delegate for the duration of its chairmanship.

2. The Chairman shall, as a rule, not speak on behalf of his delegation during the meetings of the Commission.

Article 7

1. The Commission shall meet at least once a year, when invited by the Chairman for a regular meeting at a place to be specified by him.
2. Extraordinary meetings shall be convened by the Chairman if so requested by a delegation.
3. The leaders of the delegations may confer between meetings of the Commission.
4. The Chairman shall propose the agenda. Each delegation shall be entitled to include those items in the agenda which it wishes to have discussed. The order shall be decided by majority decision of the Commission.

Article 8

1. Each delegation shall have one vote.
2. Negotiations and decisions within the framework of this Convention as well as its implementation shall be conducted by the European Economic Community and the Federal Republic of Germany within their respective fields of competence. The European Economic Community shall not exercise its right to vote in cases in which the Federal Republic of Germany is competent and vice versa.
3. The Commission's decisions and proposals shall, unless otherwise specified in this Convention, be unanimously adopted; a written procedure may take place in line with the conditions to be specified in the rules of procedure.
4. Decisions *nem. con.* shall be deemed to be unanimous, provided all delegations are present.

Article 9

1. The Commission shall set up working parties to carry out certain tasks.
2. The working parties shall consist of the delegates or experts appointed by each delegation.
3. The Commission shall determine the task and the number of members of each working party and shall appoint the Chairmen of such working parties.

Article 10

The Commission shall establish a secretariat for the preparation, implementation and support of its work. The headquarters of the secretariat shall be at Magdeburg. Further details shall be governed by the rules of procedure.

Article 11

The Commission may call on the services of especially suitable persons or establishments for the examination of special matters.

Article 12

The Commission shall adopt decisions regarding cooperation with other national and international organizations concerned with pollution control.

Article 13

The Commission shall provide the contracting parties with an activity report at least every two years and, as required, with further reports setting out in particular the results of investigations and their assessments.

Article 14

1. Each contracting party shall bear the cost of its representation in the Commission and the working parties and the cost of the current investigations carried out in its territory.

2. All other expenditure arising from the work of the Commission, including the costs of the secretariat, shall be divided among the contracting parties as follows:

Federal Republic of Germany	65,0 %,
European Economic Community	2,5 %,
Czech and Slovak Federal Republic	32,5 %,
Total	100 %.

The Commission may also specify a different breakdown in certain cases.

Article 15

The Commission shall adopt rules of procedure.

Article 16

1. Existing agreements and treaties shall remain unaffected.

Done at Magdeburg,

on the eighth day of October one thousand nine hundred and ninety

For the Government of the Federal Republic of Germany

For the European Economic Community

For the Government of the Czech and Slovak Federal Republic

2. The Commission shall examine as soon as possible to what extent it is expedient to amend, supplement or annul agreements and treaties as referred to in paragraph 1 because of their contents or for other reasons; it shall draw up recommendations in respect of their amendment or annulment and of the conclusion of new agreements or treaties.

Article 17

The working languages of the Commission shall be German and Czech.

Article 18

This Convention shall enter into force on the day on which all signatories inform the Federal Republic of Germany as depositary that any preconditions for the entry into force required by the national laws have been fulfilled.

The Convention shall be concluded for an unlimited period. It may be denounced with five years' notice. The notice of denunciation is to be made in writing to the depositary, who will inform the other contracting parties. The notice of denunciation will take effect as of the day on which it is received by the depositary.

Article 19

This Convention, which is drawn up in original copies in the German and Czech languages, each text being equally binding, shall be deposited in the archives of the Government of the Federal Republic of Germany; the latter shall send a certified copy to each of the contracting parties.