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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 3412/91
of 25 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 22 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 26 November 1991.

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

Done at Brussels, 25 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 25 November 1991 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	129,91 ^(?) ^(?)
0712 90 19	129,91 ^(?) ^(?)
1001 10 10	179,99 ⁽¹⁾ ^(?)
1001 10 90	179,99 ⁽¹⁾ ^(?)
1001 90 91	156,74
1001 90 99	156,74
1002 00 00	162,35 ^(*)
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 ^(?) ^(?)
1005 90 00	129,91 ^(?) ^(?)
1007 00 90	138,84 ^(*)
1008 10 00	66,68
1008 20 00	128,08 ^(*)
1008 30 00	80,96 ^(?)
1008 90 10	^(?)
1008 90 90	80,96
1101 00 00	232,44 ^(*)
1102 10 00	240,29 ^(*)
1103 11 10	293,20 ^(*)
1103 11 90	250,79 ^(*)

- (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 3413/91

of 25 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 22 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 26 November 1991.

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

Done at Brussels, 25 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 25 November 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	11	12	1	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	0,68
1001 90 99	0	0	0	0,68
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	0,96

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	0	0	1,21	1,21
1107 10 19	0	0	0	0,90	0,90
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 3414/91

of 22 November 1991

on the supply of sardines 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 156 tonnes of sardines;

Whereas it is necessary to make these supplies 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

Sardines 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⁾:** 918/91
2. **Programme:** 1991
3. **Recipient⁽²⁾(⁽³⁾):** UNRWA Headquarters, Vienna International Centre, PO Box 700, A-1400 Vienna, telex 135310 UNRWA A
4. **Representative of the recipient⁽²⁾(⁽⁷⁾):**
UNRWA Field Supply and Transport Officer, Jordan, PO Box 484, Amman, Jordan
5. **Place or country of destination:** Jordan
6. **Product to be mobilized:** sardines
7. **Characteristics and quality of the goods⁽³⁾(⁽⁸⁾):** tinned sardines in vegetable oil (1991 fishing, CN code 1604 13 10)
8. **Total quantity:** 156 tonnes
9. **Number of lots:** one
10. **Packaging and marking⁽⁹⁾(⁽¹⁰⁾)(⁽¹¹⁾):**
see OJ No C 114, 29. 4. 1991, p. 1 (under VIII. A. 2 and VIII. A. 3)
Markings in English ('mackerel' must be replaced by 'sardine')
Supplementary markings on the packaging:
'GIFT TO UNRWA TO PALESTINE REFUGEES / AQABA / Date of expiry ...'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Aqaba
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 6 — 20. 1. 1992
18. **Deadline for the supply:** 10. 2. 1992
19. **Procedure for determining the costs of supply:** invitation to tender
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: 3 — 17. 2. 1992
 - (c) deadline for the supply: 9. 3. 1992
22. **Amount of tendering security:** ECU 15 per tonne
23. **Amount of the delivery security:** 10% of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁹⁾:** Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles, telex 22037 AGREC B or 25670 AGREC B
25. **Refund payable on application by the successful tenderer:** —

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.
 - (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of the Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05,
 - 236 33 04.
 - (⁵) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
 - (⁶) The supplier is to detail the Manager, Supply Division, UNRWA, Vienna, by telex 135310 UNRWA A, the name of the carrying vessel, names and addresses of shipping agent and insurance agent at port of discharge.
 - (⁷) Certificates and documents required for each shipment :
 - one original and two copies of insurance certificate,
 - one original and two copies of health certificate,
 - one original and two copies of inspection certificate regarding quality, quantity and packing,
 - one certificate of non-contamination by radioactivity.
 - (⁸) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
 - health certificate,
 - certificate of origin.
 - (⁹) Standardized pallets, shrink-wrapped with a plastic sheet with three external nylon straps in each direction to secure the unit-load.
 - (¹⁰) The date of expiry shall correspond to the date of manufacture plus four years.
 - (¹¹) Tins fitted with an opening device (or key).
-

COMMISSION REGULATION (EEC) No 3415/91
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 4 000 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⁾:** 1417/90
2. **Programme :** 1990
3. **Recipient⁽²⁾:** République du Zaïre, Département des finances
4. **Representative of the recipient⁽³⁾:** Minokin sprl, avenue de l'O.U.A., BP 3359, Kinshasa/Gombe
5. **Place or country of destination :** Zaïre
6. **Product to be mobilized :** common wheat
7. **Characteristics and quality of the goods⁽⁴⁾:** see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.I(a)); specific characteristics: moisture content: 14 % maximum
8. **Total quantity :** 4 000 tonnes
9. **Number of lots :** one
10. **Packaging and marking :** in bulk
11. **Method of mobilization :** the Community market
12. **Stage of supply :** free at port of landing — landed
13. **Port of shipment :** —
14. **Port of landing specified by the recipient :** —
15. **Port of landing :** Matadi
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 :** 15 — 31. 12. 1991
18. **Deadline for the supply :** 20 — 30. 1. 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: 22. 12. 1991 — 7. 1. 1992
 - (c) deadline for the supply: 27. 1 — 6. 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: 12. 1. — 28. 1. 1992
 - (c) deadline for the supply: 17. 2. — 27. 2. 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⁽⁵⁾:** 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⁽⁶⁾:** refund applicable on 29. 11. 1991, fixed by Commission Regulation (EEC) No 3134/91 (OJ No L 297, 29. 10. 1991, p. 11)

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 shall give the caesium-134 and -137 and iodine-131 levels.

- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of 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 refunds 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) Once the successful tenderer has been informed of the award of the contract, he shall immediately contact the beneficiary with a view to determining what documents are required for the consignment and their distribution.
-

COMMISSION REGULATION (EEC) No 3416/91

of 25 November 1991

on certain residual duties applicable in 1991 in the framework of the successive reductions in accordance with the Act of Accession of Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 75 (4) and 243 (4) thereof,

Whereas the Act of Accession of Spain and Portugal provides for the possibility of totally or partially suspending customs duties on agricultural products in trade between those two Member States and the Community of Ten; whereas Council Regulation (EEC) No 3792/85⁽¹⁾, as last amended by Commission Regulation (EEC) No 3296/88⁽²⁾, provides that this suspension may apply to trade in agricultural products between Spain and Portugal;

Whereas, under the system of generalized tariff preferences in accordance with Council Regulation (EEC) No 3835/90⁽³⁾, the Community grants total suspension of the Common Customs Tariff duties on certain agricultural products originating in certain South American countries in 1991;

Whereas, in view of the duties applicable to imports from Spain and Portugal in accordance with Articles 75 (1) and 243 (1) of the Act of Accession, provision should be made on a reciprocal basis for agricultural products listed in the Annex to Regulation (EEC) No 3835/90 and originating in Bolivia, Colombia, Ecuador and Peru not to be subject to more favourable treatment than the same products consigned from Spain and from Portugal;

Whereas Spain has requested the application of these measures to exports of certain products to the Community of Ten;

Whereas, in view of the economic situation of Portuguese products, no provision should be made to suspend the residual duties on products imported into Portugal;

Whereas the suspension of the Common Customs Tariff duties provided for in Regulation (EEC) No 3835/90 could be renewed for several years;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

1. The residual duties applicable to imports of the agricultural products listed in the Annex to Regulation (EEC) No 3835/90 into the Community of Ten in accordance with Articles 75 (1) and 243 (1) of the Act of Accession are hereby totally suspended until 31 December 1991.

The suspension provided for in the first subparagraph shall not apply to the products in Chapter 15 of the Combined Nomenclature referred to in Article 94 (1) of the Act of Accession.

2. Should the Common Customs Tariff duties on products originating in Bolivia, Colombia, Ecuador and Peru and listed in the Annex to Regulation (EEC) No 3835/90 be suspended again, the provisions of paragraph 1 shall apply *mutatis mutandis* during the duration of suspension.

Article 2

Article 1 shall apply *mutatis mutandis* to imports into Spain of the products in question from the Community of Ten and from Portugal.

Article 3

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

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 370, 31. 12. 1990, p. 126.

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

Done at Brussels, 25 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3417/91

of 22 November 1991

concerning the stopping of fishing for mackerel by vessels flying the flag of the Netherlands

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

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

Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 2381/91⁽⁴⁾, provides for mackerel quotas for 1991;

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

Whereas, according to the information communicated to the Commission, catches of mackerel in the waters of ICES divisions II a (EC zone), III a; III b, c and d (EC zone) and IV by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for 1991; whereas the Netherlands have prohi-

bited fishing for this stock as from 9 November 1991; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in the waters of ICES divisions II a (EC zone), III a; III b, c and d (EC zone) and IV by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the quota allocated to the Netherlands for 1991.

Fishing for mackerel in the waters of ICES divisions II a (EC zone), III a; III b, c and d (EC zone) and IV by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 9 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

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 219, 7. 8. 1991, p. 2.

COMMISSION REGULATION (EEC) No 3418/91
of 22 November 1991
concerning the stopping of fishing for cod by vessels flying the flag of Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 3934/90 of 20 December 1990 fixing catch possibilities for 1991 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention ⁽³⁾, provides for cod quotas for 1991;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of NAFO zone 3 NO by vessels flying the flag of Portugal or registered in Portugal have reached the quota allocated for 1991; whereas Portugal has prohibited fishing for this stock as from 12 November 1991; whereas it is therefore necessary to abide by that date;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of NAFO zone 3 NO by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1991.

Fishing for cod in the waters of NAFO zone 3 NO by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 12 November 1991.

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

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

Done at Brussels, 22 November 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 378, 31. 12. 1990, p. 69.

COMMISSION REGULATION (EEC) No 3419/91

of 25 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 3409/91 ⁽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 22 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 26 November 1991.

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

Done at Brussels, 25 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 321, 23. 11. 1991, p. 18.

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

(ECU/100 kg)

CN code	Levy
1701 11 10	39,46 ⁽¹⁾
1701 11 90	39,46 ⁽¹⁾
1701 12 10	39,46 ⁽¹⁾
1701 12 90	39,46 ⁽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 3420/91**of 25 November 1991****altering the export refunds on products processed from cereals and rice**

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

Having regard to the Act of Accession of Spain and Portugal

Having regard to Council Regulation (EEC) No 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,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular the fifth subparagraph of Article 17 (2) thereof,

Whereas the export refunds on products processed from cereals and rice were fixed by Regulation (EEC) No 3155/91⁽⁵⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EEC) No

3155/91 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75⁽⁶⁾ as fixed in the Annex to Regulation (EEC) No 3155/91 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 26 November 1991.

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

Done at Brussels, 25 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 299, 30. 10. 1991, p. 37.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 65.

ANNEX

to the Commission Regulation of 25 November 1991 altering the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	108,15	1104 23 10 100	115,88
1102 20 10 300	92,70	1104 23 10 300	88,84
1102 20 10 900	—	1104 23 10 900	—
1102 20 90 100	92,70	1104 29 11 000	—
1102 20 90 900	—	1104 29 15 000	—
1102 30 00 000	—	1104 29 19 000	—
1102 90 10 100	126,48	1104 29 91 000	84,65
1102 90 10 900	86,01	1104 29 95 000	107,49
1102 90 30 100	152,96	1104 30 10 000	21,16
1102 90 30 900	—	1104 30 90 000	19,31
1103 12 00 100	152,96	1107 10 11 000	150,68
1103 12 00 900	—	1107 10 91 000	150,09
1103 13 11 100	139,05	1108 11 00 200	169,30
1103 13 11 300	108,15	1108 11 00 300	169,30
1103 13 11 500	92,70	1108 11 00 800	—
1103 13 11 900	—	1108 12 00 200	123,60
1103 13 19 100	139,05	1108 12 00 300	123,60
1103 13 19 300	108,15	1108 12 00 800	—
1103 13 19 500	92,70	1108 13 00 200	123,60
1103 13 19 900	—	1108 13 00 300	123,60
1103 13 90 100	92,70	1108 13 00 800	—
1103 13 90 900	—	1108 14 00 200	—
1103 14 00 000	—	1108 14 00 300	—
1103 19 10 000	107,49	1108 14 00 800	—
1103 19 30 100	130,70	1108 19 10 200	198,31
1103 19 30 900	—	1108 19 10 300	198,31
1103 21 00 000	86,34	1108 19 10 800	—
1103 29 20 000	86,01	1108 19 90 200	—
1103 29 30 000	—	1108 19 90 300	—
1103 29 40 000	—	1108 19 90 800	—
1104 11 90 100	126,48	1109 00 00 100	0,00
1104 11 90 900	—	1109 00 00 900	—
1104 12 90 100	169,96	1702 30 51 000	161,45
1104 12 90 300	135,97	1702 30 59 000	123,60
1104 12 90 900	—	1702 30 91 000	161,45
1104 19 10 000	86,34	1702 30 99 000	123,60
1104 19 50 110	123,60	1702 40 90 000	123,60
1104 19 50 130	100,43	1702 90 50 100	161,45
1104 19 50 150	—	1702 90 50 900	123,60
1104 19 50 190	—	1702 90 75 000	169,18
1104 19 50 900	—	1702 90 79 000	117,42
1104 19 91 000	—	2106 90 55 000	123,60
1104 21 10 100	126,48	2302 10 10 000	19,70
1104 21 10 900	—	2302 10 90 100	19,70
1104 21 30 100	126,48	2302 10 90 900	—
1104 21 30 900	—	2302 20 10 000	19,70
1104 21 50 100	168,64	2302 20 90 100	19,70
1104 21 50 300	134,91	2302 20 90 900	—
1104 21 50 900	—	2302 30 10 000	19,70
1104 22 10 100	135,97	2302 30 90 000	19,70
1104 22 10 900	—	2302 40 10 000	19,70
1104 22 30 100	144,47	2302 40 90 000	19,70
1104 22 30 900	—	2303 10 11 100	61,80
1104 22 50 000	—	2303 10 11 900	—

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 3421/91

of 25 November 1991

laying down detailed rules for the application of Council Regulation (EEC) No 597/91 as regards the supply of infant milk and whole-milk powder to Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 597/91 of 5 March 1991 on urgent action for the supply of agricultural and medical products intended for the people of Romania and Bulgaria⁽¹⁾, and in particular Article 5 (2) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾ as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 2 (4) thereof,

Whereas Council Regulation (EEC) No 597/91 provides for urgent action for the supply of agricultural products to Bulgarian and Romania free of charge; whereas the cost of supplying these products are to be borne by the European Community;

Whereas Romania has requested the supply of 1 500 tonnes of infant milk; whereas this request should be granted; whereas those products are not available from intervention stocks and must be mobilized on the Community market;

Whereas, pursuant to Regulation (EEC) No 597/91, supply shall be made by means of an invitation to tender; whereas that procedure must permit the determination, under the best conditions, of the supply costs and in particular the price of the product and the transport costs for delivery to the place of destination in indicated in Romania;

Whereas, in order to ensure that supplies are effected properly, the conditions governing the lodging of securities should be determined together with the necessary detailed rules for the implementation of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁴⁾, as last amended by Regulation (EEC) No 3745/89⁽⁵⁾;

Whereas, pursuant to Article 2 (4) of Regulation (EEC) No 597/91, the products supplied do not qualify for export refunds and are not subject to monetary compensatory amounts;

Whereas, for the purposes of determining the supply costs and the securities to be lodged, and in order to avoid market distortions as a result of monetary factors, provision should be made for the use of the representative market rates referred to in Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Council Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁶⁾, as last amended by Regulation (EEC) No 3237/90⁽⁷⁾;

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

1. An invitation to tender is hereby opened for the supply of four lots of infant milk and whole-milk powder pursuant to Regulation (EEC) No 597/91 and in accordance with the conditions laid down in this Regulation.

2. The supply shall comprise:

(a) the manufacture of:

- lot A: 525 tonnes of infant formulae referred to in point 1A of Annex I,
- lot B: 825 tonnes of follow-on formulae for infants and young children referred to in point 1B of Annex I,
- lot C: 150 tonnes of delactosed formulae for infants and young children referred to in point 1C of Annex I,
- lot D: 2 000 tonnes of whole-milk powder referred to in point 1 of Annex II.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 17.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁵⁾ OJ No L 364, 14. 12. 1989, p. 54.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁷⁾ OJ No L 310, 9. 11. 1990, p. 18.

The goods shall be packed as laid down in Annexes I or II as appropriate;

- (b) delivery and unloading of the products at the relevant addresses given in Annex III before 31 January 1992.

Article 2

1. The tendering procedure shall be as follows:

Written tenders shall be lodged with one of the intervention agencies listed in Annex VI against a receipt or forwarded by registered post to arrive by 12 noon on 28 November 1991. Tenders may also be submitted by written telecommunication.

Where tenders are not accepted for the total supply pursuant to Article 3 (1), tenders may be submitted in response to a second invitation to tender by 12 noon on 10 December 1991.

2. The intervention agencies shall forward to the Commission⁽¹⁾ the tenders submitted, which must reach it by no later than 12 noon on the working day following the closing date for the submission of tenders. The details specified in paragraph 3 (a), (b), (c) and (d) must be indicated for each tender. If no tender is submitted, the Member State shall so inform the Commission within the time limit indicated.

3. Tenders shall only be valid if:

- (a) they indicate clearly the reference of one of the four supplies provided for in Article 1;
- (b) they indicate the name, address and in particular telex and/or fax numbers of the tenderer established in the Community;
- (c) they refer to one or more consignments of:
 - 75 tonnes for the formulae referred to in Annex I,
 - 250 tonnes for the whole-milk powder referred to in Annex II;
- (d) they indicate for each consignment an amount in ecus per tonne;
- (e) they indicate, for each consignment referred to in paragraph (c), the exact address of the place of manufacture and packaging and the warehouse in which the goods are to be stored at the point of departure; the addresses must be within the same Member State;
- (f) they are accompanied by proof that the tenderer has lodged a tendering security of ECU 20 per tonne in

favour of the intervention agency concerned, in accordance with Title III of Regulation (EEC) No 2220/85. Such proof shall consist of a document issued by the body granting the security.

4. Tenders not submitted in accordance with this Article or which contain terms other than those laid down in the invitation to tender shall be rejected.

5. Tenders shall not be changed or withdrawn.

Article 3

1. On the basis of the tenders received, the Commission shall decide in respect of each of the four lots, not more than five working days following the closing date for the submission of tenders, upon a maximum amount for the supply or to take no action in respect of the tenders, in particular where the prices quoted are higher than those normally obtaining on the market.

Where a maximum amount is fixed for a lot, the supply shall be awarded to the tenderer who submits a lower or equal price for that lot.

2. For the purpose of comparing tenders only, the accession compensatory amounts shall be taken into account for products manufactured in the new Member States.

3. Within three working days following the date on which the Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of the decision taken with regard to their tender by registered letter, telex or letter against a written acknowledgement of receipt.

Article 4

1. Tendering securities as provided for in Article 2 (3) (f) shall be released immediately where tenders are not accepted or where no supply is awarded.

2. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be:

- (a) for tenderers: the maintenance of their tenders until the notification provided for in Article 3 (3);
- (b) for the successful tenderer: the lodging of the supply security in accordance with Article 5.

Article 5

Within five working days following notification of award of a supply contract, the successful tenderer shall forward to the agency indicated in Article 6 proof of the lodging of a supply security in favour of the latter, amounting to 10 % of the value of the tender in accordance with Title III of Regulation (EEC) No 2220/85. Proof shall consist of a document issued by the body granting the security.

⁽¹⁾ Commission of the European Communities,
Division VI.D
Rue de Loi 120, office 8/68,
B-1049 Brussels,
(telex 22037 AGREC B; fax: (2) 235 33 10/235 01 30/235 01 31).

Article 6

The successful tenderer shall submit an application for payment for the supply to the intervention agency of the Member State in which the storage warehouse referred to in Article 2 (3) (e) is located.

The application shall be accompanied by:

- the original of the certificate of take-over drawn up on the specimen in Annex IV and issued by the representative of the organization indicated in Annex V for the product in question,
- the certificate drawn up by the body referred to in Article 7 on completion of the checks carried out.

Payment shall be made for the supply of the net quantity stipulated in the above certificate of takeover.

Article 7

1. The manufacture and packaging of the products referred to in Annexes I and II shall be the subject of checks carried out by the body designated by the Member State within which the place of manufacture and packaging is located.

The successful tenderer shall submit to the checks carried out by that body. For this purpose, he shall inform that body of the places and dates of manufacture and packaging of the product to be supplied at least five days in advance together with the address of the storage warehouse.

2. On completion of the checks referred to in paragraph 1, the body shall issue a certificate certifying:

- that the products conform to the requirements of this Regulation,
- that the milk used for manufacture of the products originated from healthy animals, free from foot-and-mouth disease and any other infectious or contagious diseases.

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

Done at Brussels, 25 November 1991.

Article 8

1. The primary requirements regarding the supply within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the execution of the supply under the conditions laid down.

The quantity delivered shall be considered satisfactory where the net weight taken over by the beneficiary is not more than 1 % less than the quantity laid down.

2. The supply security shall be released when the successful tenderer provides the intervention agency concerned with the documents referred to in Article 6.

Article 9

The conversion rates to be used for the payment of tenders and for tendering and supply securities shall be the agricultural conversion rates valid on the final date for the submission of tenders.

Article 10

1. The Commission shall communicate to the organizations referred to in Articles 6 and 7 all the information necessary for the supply.

2. The organizations referred to in paragraph 1 shall communicate to the Commission all information concerning the supplies, in particular the results of the checks on the conditions of takeover of the goods.

Article 11

Commission Regulation (EEC) No 2220/85 shall apply for the purposes of this Regulation.

Article 12

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

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1. Characteristics of goods to be delivered as emergency aid to the people of Romania — humanized milk**A. Infant formulae made exclusively from cow's milk**

Infant formulae must be supplied in powder form and at least conform to the standard Codex STAN 72-1981 concerning infant formulae (world-wide standard).

They must be suitable for infants (0 to 6 months) and be prepared exclusively from milk, with the addition of vitamin D and, per 100 ml of reconstituted milk must provide :

- 1.5 to 1.8 g of proteins,
- 3.0 to 3.6 g of fat,
- 6.7 to 7.9 g of glucids.

B. Milk-based follow-on formulae for infants and young children

Milk-based follow-on formulae for infants and small children must be supplied in powder form and at least conform to the standard Codex STAN 156-1987 concerning follow-on formulae (world-wide standard).

They must, in particular, comply with point 9.1.2 of the above standard, be prepared with the addition of vitamin D and per 100 ml of reconstituted milk must provide :

- 1.9 to 3.0 g of proteins,
- 2.5 to 3.4 g of fat,
- 7.0 to 9.0 g of glucids.

C. Delactosed formulae for infants and young children

Delactosed humanized milk must conform to one of the above standards (the relevant age must be specified) and, in addition, provide a maximum of 1 g of lactose per 100 ml of reconstituted milk.

2. Additional packaging requirements

The goods described under point 1 must be packaged in packs of a minimum of 400 g net weight and a maximum of 1 kg net weight and stacked on pallets in accordance with the normal export standards.

3. Labelling

The packs must carry the words : 'Regulation (EEC) No 3421/91 — EEC aid for Romania' in Romanian and in one of the official languages of the Community.

ANNEX II

1. Characteristics of goods to be delivered as emergency aid to the people of Romania — whole-milk powder

Whole-milk powder with a minimum fat content of 26 % must be produced using the spray method. The quality must be 'extra grade' and must meet the following characteristics:

- | | |
|---|---|
| (a) fat content : | minimum of 26,0 % ; |
| (b) water content : | maximum of 3 % ; |
| (c) titratable acidity (as a percentage of non-fat dry matter) ADMI : | |
| — in millilitres of decinormal sodium hydroxide solution : | maximum 3,0 ; |
| — in lactic acid : | maximum of 0,15 % ; |
| (d) lactate content (in relation to non-fat dry matter) : | maximum of 150 mg/100 g ; |
| (e) additives : | none ; |
| (f) phosphatase test : | negative, i.e. equal to or less than four micrograms of phenol per gram of reconstituted milk ; |
| (g) solubility index : | maximum of 0,5 ml ; |
| (h) burnt-particles index : | maximum of 15,0 mg, i.e. at least disc B ; |
| (i) micro-organism count : | maximum of 50 000 per gram ; |
| (j) coli-aerogenes-organisms : | negative in 0,1 ; |
| (k) whey test : | negative ; |
| (l) taste and smell : | clean ; |
| (m) appearance : | white or slightly yellow colour, absence of impurities and coloured particles. |

The control methods will be those specified in Annex 1 (2) (a) and (b) to Regulation (EEC) No 625/78 ; however, reference will be made to IDF International Standard 109 (1982) for the micro-organism count, and to international Standard 73A (1985) for the identification of coli-aerogenes-organisms.

2. Additional packaging requirements

The goods must be packaged in packs of 25 kg net weight in new, clean, dry, intact bags in accordance with the Annex to Commission Regulation (EEC) No 625/78 ⁽¹⁾ and stacked on pallets according to the usual export standards.

3. Labelling

The packs must bear the words : 'Regulation (EEC) No 3421/91 — EEC aid to Romania' in Romanian and in one of the official languages of the Community.

⁽¹⁾ OJ No L 84, 31. 3. 1978, p. 19.

*ANNEX III***DELIVERY ADDRESSES****A. Infant formulae :**

Exhibition Hall
Exhibition Square
Bucarest

B. Whole-milk powder :

Destination	Quantity (tonnes)	Department	Town	Address
Bucuresti Dairy Industry	1 000	Bucuresti	Bucuresti	19, Armata Bd. Poporului
Industria Dairy Industry	250	Prahova	Ploiesti	1, Sos Vestului
Bacău Dairy Industry	250	Bacău	Bacău	156, Bacovia St.
Ialomita Dairy Industry	500	Ialomita	Slobozia	3, Filatură St.

ANNEX IV

CERTIFICATE OF TAKEOVER

I, the undersigned :

.....
(family name, first name, business name)

acting in the name of....., on behalf of.....
hereby certify that the goods listed below, delivered pursuant to Commission Regulation (EEC) No 3421/91, have been taken over :

— Place and date of takeover :

— Type of product :

— Net weight taken over (in tonnes) :

— Packaging :

— Observations :

.....
Firm :

ANNEX V

BODIES RESPONSIBLE FOR THE TAKEOVER OF GOODS

A. Infant formulae :

'Unifarm Independent Authority', Bucharest, 48 Aviator Sanatescu Street,
Tel. : 66 41 85 ; telex : 11.595

B. Whole-milk powder :

'Prodexport Limited', Bucharest, 1 Walter Marcineanu Square,
Tel. : 15 55 95

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

- Office belge de l'économie et de l'agriculture,
secteur « produits et industries agricoles et alimentaires »,
rue de Trèves 82,
B-1040 Bruxelles
[tél.: (2) 230 17 40, télex : 24076/65567, téléfax : (2) 230 25 33];

Belgische dienst voor bedrijfsleven en landbouw,
sector „landbouw- en voedingsprodukten en industrieën”,
Trierstraat 82,
B-1040 Brussel(tel.: (32-2) 230 17 40, telex : 24076/65567, telefax : (32-2) 230 25 33);
- EF-direktoratet,
Frederiksborggade 18,
DK-1360 København K
(tel.: (45) 33 92 70 00, telex : 15137 EFDIR DK, telefax : (45) 33 92 69 48);
- Bundesanstalt für landwirtschaftliche Marktordnung (BALM),
Adickesallee 40,
D-6000 Frankfurt am Main 18
(Tel. 49 691 56 40, Telex : 411727/411156, Telefax : 49 691 56 47 90, Teletex : 699 07 32);
- Υπηρεσία Διαχείρισεως Γεωργικών Προϊόντων,
(ΥΔΑΓΕΠ),
οδός Αχαρνών 241,
GR-Aθήνα
[Τηλ.: (30-1) 862 64 15/865 64 39, Τέλεξ: 221738];
- Servicio nacional de productos agrarios (SENPA),
calle Beneficencia 8,
E-28004 Madrid
[tel.: (34-1) 347 65 00/347 63 10, télex : 41818/23427 SENPA E, telefax : (34-1) 521 98 32/522 43 87];
- Office national interprofessionnel du lait et des produits laitiers (ONILAIT),
division « Marchés »,
2, rue Saint-Charles,
F-75740 Paris Cedex 15
[tél.: (33-1) 40 58 70 00, télex : 200745, téléfax : (33-1) 40 59 04 58];
- Department of Agriculture and Food, Milk policy division,
Agriculture House,
Kildare Street,
IRL-Dublin 2
(tel.: (353-1) 78 90 11, telex : 93607 agri-el, telefax : (353-1) 61 62 63);
- Azienda di Stato per gli interventi nel mercato agricolo (AIMA),
Via Palestro 81,
I-00198 Roma,
[tel.: (39-6) 647 49 91, telex : 613003/620331 AIMA (I), telefax : (39-6) 445 39 40];
- Service d'économie rurale,
section de l'économie laitière,
115, rue de Hollerich,
L-1741 Luxembourg
[tél.: (352) 47 84 17, télex : 2537 AGRIM LU, téléfax : (352) 49 16 19];
- Voedselvoorzienings In- en Verkoopbureau,
Burgemeester Kessenplein 3,
NL-6431 KM Hoensbroek
(tel.: (31-45) 23 83 83, telex : 56396, telefax : (31-45) 22 27 35);

- Instituto Nacional de Intervenção e Garantia Agrícola (INGA)
Rua Camilo Castelo Branco, 45-2º
P-1000 Lisboa
[telefone : (351-1) 53 71 72, telex : 66209 INGA P, telefax : (351-1) 53 32 51];
 - Intervention Board, Lifestock Products Division,
Branch A,
PO Box 69,
Fountain House,
2 Queens Walk,
UK-Reading Berks, RG1 7QW
(tel. : (44-734) 58 36 26, telex : 848302 (IBAPRG G), telefax : (44-734) 56 67 50, ext. 2370).
-

Information concerning the date of entry into force of the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off Cape Verde ⁽¹⁾

The European Economic Community and the Republic of Cape Verde notified each other on 21 September 1990 and 6 September 1991 respectively of the completion of the procedures necessary for the entry into force of the above Agreement.

The Agreement therefore entered into force, in accordance with Article 14 thereof, on 6 September 1991.

⁽¹⁾ OJ No L 212, 24. 7. 1990, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 December 1990

on a financial measure by Spain in respect of the coal industry during 1991

(Only the Spanish text is authentic)

(91/599/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

On 17 July 1990, in compliance with the request set out in Decision No 90/198/ECSC⁽²⁾, the Spanish Government sent the Commission its plan for reducing the compensatory payments made under the Ofico (Electricity Compensation Office) financial measure and an outline plan for the restructuring, modernization and rationalization of the Spanish coal industry undertakings covered by this measure.

By letter dated 8 October 1990, the Spanish Government informed the Commission, pursuant to Article 9 (2) of Decision No 2064/86/ECSC, of the financial measures it intends to take in order to give direct or indirect support to the coal industry in 1991. These financial measures correspond to those contained in the plan for reducing the compensatory payments.

Under Decision No 2064/86/ECSC, the Commission must give a ruling on the following financial measures for 1991 :

- an Ofico financial measure totalling Pta 6 208 million ;
- aid totalling Pta 12 646 million for the constitution of a fund to cover exceptional social expenditure to be paid out to workers made redundant following measures to restructure, rationalize and modernize the industry ;
- aid totalling Pta 18 474 million for the constitution of a fund to defray part of the specific depreciation costs and other exceptional costs arising from measures to restructure, rationalize and modernize the industry ;
- investment aid totalling Pta 7 389 million.

The measures proposed by the Spanish Government to help the coal industry comply with the provisions of Article 1 (1) of Decision No 2064/86/ECSC.

The Commission was able to examine the outline restructuring, rationalization and modernization plan submitted to it on 17 July 1990 to determine whether it satisfied the implementing conditions of Decision No 2064/86/ECSC.

The Commission must therefore give a ruling on whether the aid measures notified pursuant to Article 10 of the Decision comply with the objectives and criteria set out in that Decision and whether they are compatible with the proper functioning of the common market.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 105, 25. 4. 1990, p. 19.

II

The aim of the Ofico financial measure is to refund to the electricity-generating companies the price supplements over and above the reference price which those companies have to pay coal-mining undertakings to cover almost the full amount of the latter's operating losses. The system applies to those mining undertakings that have concluded coal supply contracts with the electricity producers under the NSCCT (*Nuevo sistema de contratación de carbones térmicos*) system.

The annual production of that part of the Spanish coal industry which benefits from this measure is in the order of 4,4 million tonnes (3 million tce) and provides employment for 10 500 workers.

This is a measure linked to coal sales which, even if not borne directly by public authority budgets, is nevertheless financed from levies imposed through a measure introduced by the State.

It also gives coal industry undertakings an economic advantage and therefore represents an indirect aid to this industry within the meaning of Article 1 (1) of Decision No 2064/86/ECSC.

The document notified to the Commission on 17 July 1990 contains a plan, running until 31 December 1993, for reducing the compensatory payments made under the Ofico financial measure, together with an outline plan for restructuring, modernizing and rationalizing the part of the Spanish coal industry benefiting from the Ofico measure and an estimate of the costs of the redundancies and reduction in production capacity necessary to achieve the desired objectives. The outline plan is to be implemented over the next few months in the form of individual programmes which, pursuant to the Ministerial Order of 31 October 1990, each of the undertakings concerned is required to submit to the Spanish authorities before 31 December 1990 (1).

The outline plan for restructuring, modernizing and rationalizing the part of the Spanish coal industry benefiting from the Ofico measure provides for a reduction by 1993 in production capacity in the order of 35 %, which is 1,5 million tonnes, and 4 600 redundancies, a reduction in the labour force of 44 %.

This reduction in production capacity will be achieved by the total or partial closure of mines, partial closure being defined as a reduction in production capacity of more than 40 %.

According to the Spanish Government's notification, the production capacity remaining after 31 December 1993,

namely 2,9 million tonnes, will have the prospect of long-term economic viability.

Restructuring, modernization and rationalization measures will be concentrated in the western and central Asturiana coalfields, Bierzo Villablino, León-Nord, Palencia, Teruel, Pirenaica and the Balearic Islands.

III

In Decisions Nos 87/454/ECSC (2), 88/505/ECSC (3), 90/198/ECSC and 91/594/ECSC (4), the Commission authorized Ofico financial measures totalling Pta 11 770 million in 1987, Pta 11 182 million in 1988, Pta 12 625 million in 1989 and Pta 12 625 million in 1990.

The indirect financial measure of Pta 6 208 million proposed for 1991 is intended to cover the price supplements which electricity-generating companies have to pay coal-mining undertakings to cover almost the full amount of the latter's operating losses from capacity which has the prospect of becoming economically viable in the long term after implementation of the restructuring, rationalization and modernization measures notified by the Spanish Government.

The amount proposed for 1991 is 47 % down on 1987. It is intended to bring about the rationalization and modernization of production capacity which has the prospect of becoming economically viable in the long term, thus making the Spanish coal industry more competitive. It therefore meets the objectives set out in Article 2 (1) of Decision No 2064/86/ECSC.

IV

The aid totalling Pta 12 646 million for the constitution of a fund to cover exceptional social expenditure is designed to cover part of the cost of redundancy payments to some 4 600 workers who will have to be laid off or forced to take early retirement before 31 December 1993 following the implementation of the plan for the restructuring, modernization and rationalization of the Spanish coal industry.

This measure is not related to current production and should be considered as an inherited liability. According to Article 8 of Decision No 2064/86/ECSC, it may be considered compatible with the common market provided the amount does not exceed the costs.

This measure facilitates the process of restructuring, rationalizing and modernizing the Spanish coal industry by helping to improve its competitiveness by closing down production capacity which has no prospect of becoming economically viable in the long term.

(1) *Boletín Oficial del Estado* (BOE) No 275, 7. 11. 1990, p. 32805.

(2) OJ No L 241, 25. 8. 1987, p. 16.

(3) OJ No L 274, 6. 10. 1988, p. 41.

(4) OJ No L 317, 19. 11. 1991, p. 32.

According to the terms of the Spanish Government's notification, an exact assessment of the social expenditure relating to closures can be made only after detailed study of the strategic plans which, pursuant to the Ministerial Order of 31 October 1990, each undertaking is required to submit to the Spanish Government before 31 December 1990.

Although it approves of the aid in principle, until it receives notification of the above points, the Commission is able to rule only on the amount of Pta 6 323 million which corresponds to social expenditure relating to total or partial closures now considered to be inevitable.

As the aim is to constitute a fund, the Spanish Government will inform the Commission each year of the payments actually made, the amount of aid concerned and the number of beneficiaries.

V

It follows from the plan for total and partial closures submitted by the Spanish authorities that a substantial proportion of the fixed assets of the undertakings concerned will be irrecoverable. Moreover, undertakings will incur exceptional expenditure as capacity is gradually closed down between now and 31 December 1993.

The Spanish Government proposes to constitute a fund which, through a financial measure totalling Pta 18 474 million, will defray part of the specific depreciation costs and other exceptional costs arising from measures to restructure, modernize and rationalize the industry.

According to the terms of the Spanish Government's notification, an exact assessment of the specific depreciation costs and other exceptional costs arising from closures can be made only after detailed study of the strategic plans which, pursuant to the Ministerial Order of 31 October 1990, each undertaking is required to submit to the Spanish Government before 31 December 1990.

Although it approves of the aid in principle, until it receives notification of the above points, the Commission is able to rule only on the amount of Pta 9 237 million which corresponds to specific depreciation costs and other exceptional costs arising from total or partial closures now considered to be inevitable.

This measure facilitates the process of restructuring, rationalizing and modernizing the Spanish coal industry by helping to improve its competitiveness by closing down production capacity which has no prospect of becoming economically viable in the long term.

As the aim is to constitute a fund, the Spanish Government will inform the Commission each year of the aid

actually paid out, the mines to which it is paid and the corresponding reductions in capacity.

VI

In 1991 the Spanish Government is planning to grant aid of Pta 7 389 million to mining investment projects proposed by various undertakings to help restructure, modernize and rationalize the Spanish coal industry.

This aid is designed to improve the competitiveness of the production capacity of those undertakings which are required to be competitive after implementation of the plan to restructure, modernize and rationalize the Spanish coal industry.

A total of Pta 1 440 million has been earmarked for investment projects by undertakings which do not currently benefit from the price supplement under the Ofico financial measure. The balance of Pta 5 949 million remains to be confirmed in the light of prospects for improving competitiveness outlined in the strategic plans which each undertaking is required to submit pursuant to the Ministerial Order of 31 October 1990.

This measure complies with Article 5 of Decision No 2064/86/ECSC in so far as it helps to improve the competitiveness of the coal industry or to create new economically viable production capacity.

According to the terms of the Spanish Government's notification, an exact assessment of the investment projects can be made only after detailed study of the strategic plans which, pursuant to the Ministerial Order of 31 October 1990, each undertaking is required to submit to the Spanish Government before 31 December 1990.

Although it approves of the aid in principle, until it receives notification of the above points, the Commission is able to rule only on an amount of Pta 1 440 million.

Since the grant of this aid should improve competitiveness it meets the objectives set out in Article 2 (1) of Decision No 2064/86/ECSC.

VII

The aid measures covered by this Decision are therefore compatible with the proper functioning of the common market.

This Decision does not prejudice the question of the compatibility of the NSCCT system with the provisions of the EEC and ECSC Treaties,

HAS ADOPTED THIS DECISION:

Article 1

The compensatory payment to be made under the Ofico (Oficina de Compensación de la Energía Eléctrica) financial measure to electricity producers using Spanish coal produced by undertakings that have negotiated contracts with the said electricity producers under the NSCCT system shall be authorized for an amount not exceeding Pta 6 208 million in 1991.

Article 2

Spain is hereby authorized to grant aid totalling Pta 17 000 million in the 1991 calendar year. The total amount shall be made up of the following aid:

- an amount not exceeding Pta 6 323 million in aid for the constitution of a fund to cover exceptional social expenditure to be paid out to workers made redundant following measures to restructure, rationalize and modernize the industry,
- an amount not exceeding Pta 9 237 million in aid for the constitution of a fund to defray part of the specific depreciation costs and other exceptional costs arising

from measures to restructure, rationalize and modernize the industry,

- an amount not exceeding Pta 1 440 million in investment aid.

Article 3

Spain shall, by 30 June 1991, provide the Commission with information relating to the strategic plans for each undertaking required by the Ministerial Order of 31 October 1990.

Article 4

Spain shall inform the Commission each year of the payments made to beneficiaries from the funds authorized under Article 2.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 17 December 1990.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION OPINION

of 12 November 1991

**concerning the plan to build the Aube storage centre for radioactive waste,
submitted on 23 May 1991 by the Office of the Permanent Representative of
France pursuant to Article 37 of the Euratom Treaty**

(91/600/Euratom)

On 23 May 1991, the Commission of the European Communities received from the French Government, in accordance with Article 37 of the Euratom Treaty, the general data concerning the plan to build the Aube storage centre for radioactive waste.

On the basis of these data and after consultation of the group of experts, the Commission drew up the following opinion :

- (1) The distance between the storage centre and the nearest point on the territory of other Member States, in this case Belgium and Luxembourg, is approximately 200 kilometres ; Germany, the United Kingdom, Italy and Spain are at distances of 230, 400, 360 and 690 kilometres respectively.
- (2) Under normal storage and monitoring conditions, the discharges of liquid and gaseous effluents will produce an exposure of the population in other Member States that is not significant from the point of view of health.
- (3) In the event of unplanned discharges of radioactive effluents which may follow an accident of the magnitude considered in the general data, the doses likely to be received by the population in the surrounding area and in other Member States would not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan to establish the Aube storage centre for radioactive waste, both in normal operation and in the event of an accident of the magnitude considered in the general data, is not liable to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

COMMISSION DECISION

of 12 November 1991

cancelling Decision 91/147/EEC adopting protective measures against cholera in respect of imports of fruit and vegetables from Peru

(91/601/EEC)

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

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 19 (7) thereof,

Whereas protective measures against cholera in respect of imports of fruit and vegetables from Peru were adopted by Commission Decision 91/147/EEC ⁽²⁾; whereas in view of the urgency of the situation the Commission adopted on its own initiative the said Decision; whereas the situation has worsened since then and countries bordering Peru have also been affected by cholera;

Whereas there is a risk that the epidemic might spread even further; whereas it is advisable therefore to replace the safeguard measure in respect of Peru by a wider and more general Community Regulation; whereas it is advisable to establish a simplified procedure allowing frequent and rapid amendments to the Community Regulation according to the development of the situation; whereas the Commission shall present proposals on this subject to the Council;

Whereas it is advisable, in these circumstances, to cancel Decision 91/147/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 91/147/EEC is cancelled.

The cancellation shall take effect on the day of entry into force of Council Regulation (EEC) No 3185/91 of 22 October 1991 adopting measures in respect of imports of fruit and vegetables from certain regions affected by cholera ⁽³⁾.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 73, 20. 3. 1991, p. 35.

⁽³⁾ OJ No L 303, 1. 11. 1991, p. 1.