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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3499/91**of 28 November 1991****providing a Community framework for studies and pilot projects relating to the conservation and management of fishery resources in the Mediterranean**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas, under Article 2 of Regulation (EEC) No 170/83, the Council is, in the light of the available scientific advice, to formulate the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation;

Whereas the implementation of a policy for the conservation and management of fishery resources is becoming more and more vital in the Mediterranean region in order to preserve its fishery assets and to turn them to good account for the benefit, in particular, of the coastal populations;

Whereas studies and pilot projects in the initial stage of the process of introducing a common system should be undertaken to identify the points where Community measures are likely to provide a solution to specific, particular pressing, problems;

Whereas, to this end, the Commission should adopt the detailed rules for the application of such measures,

assisted by the Standing Committee on the Fishing Industry,

HAS ADOPTED THIS REGULATION:

Article 1

As part of the gradual introduction of a common system for the management and conservation of fishery resources in the Mediterranean, a Community financial contribution may be granted for studies and pilot projects under conditions to be determined by the Commission.

Article 2

The studies and pilot projects referred to in Article 1 shall cover the following priority areas:

- the structures of traditional fisheries,
- the development of specialized fisheries such as sponge, coral, sea-urchin and seaweed fisheries,
- the control of fishing activities,
- the development of a statistical network,
- the coordination of research and of the use of scientific data.

Article 3

The Commission shall decide upon the studies and pilot projects referred to in Article 1 after consulting the Standing Committee on the Fishing Industry.

Article 4

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

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

Done at Brussels, 28 November 1991.

For the Council

The President

J. PRONK

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

COUNCIL REGULATION (EEC) No 3500/91**of 28 November 1991****amending for the tenth time Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Article 8 of Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources ⁽²⁾, as last amended by Regulation (EEC) No 4056/89 ⁽³⁾, defines an area for the protection of juvenile mackerel where fishing is prohibited and whereas, in the absence of a Council Decision before 30 November 1991, that area could cease to exist as from 1 January 1992;

Whereas the most recent scientific advice recommends that the area be maintained in the interests of the conservation of the western mackerel stock and whereas the said Regulation should therefore be amended in order to uphold that provision,

HAS ADOPTED THIS REGULATION:

Article 1

The final subparagraph of Article 8 (3) of Regulation (EEC) No 3094/86 shall be deleted.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 28 November 1991.

*For the Council**The President*

J. PRONK

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.⁽²⁾ OJ No L 288, 11. 10. 1986, p. 1.⁽³⁾ OJ No L 389, 30. 12. 1989, p. 75.

COMMISSION REGULATION (EEC) No 3501/91

of 2 December 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 2 December 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 3 December 1991.

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

Done at Brussels, 2 December 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 2 December 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	129,89 ^(?) ^(?)
0712 90 19	129,89 ^(?) ^(?)
1001 10 10	181,72 ⁽¹⁾ ^(?)
1001 10 90	181,72 ⁽¹⁾ ^(?)
1001 90 91	156,87
1001 90 99	156,87
1002 00 00	163,33 ^(*)
1003 00 10	141,88
1003 00 90	141,88
1004 00 10	130,80
1004 00 90	130,80
1005 10 90	129,89 ^(?) ^(?)
1005 90 00	129,89 ^(?) ^(?)
1007 00 90	139,59 ^(*)
1008 10 00	65,94
1008 20 00	132,56 ^(*)
1008 30 00	80,28 ^(?)
1008 90 10	^(?)
1008 90 90	80,28
1101 00 00	232,62 ^(*)
1102 10 00	241,67 ^(*)
1103 11 10	294,98 ^(*)
1103 11 90	250,39 ^(*)

⁽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.

^(?) 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'.

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

^(*) 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.

^(*) 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.

^(*) 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).

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

^(*) 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 3502/91

of 2 December 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 2 December 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 3 December 1991.

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

Done at Brussels, 2 December 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 2 December 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 12	1st period 1	2nd period 2	3rd period 3
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 12	1st period 1	2nd period 2	3rd period 3	4th period 4
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 3503/91

of 2 December 1991

on the issuing of a standing invitation to tender for the resale on the Community internal market of approximately 11 300 tonnes of rice held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 5 ⁽³⁾ thereof,

Whereas Article 3 of Council Regulation (EEC) No 1424/76 of 21 June 1976 laying down general rules for intervention on the market in rice ⁽⁴⁾, as last amended by Regulation (EEC) No 794/91 ⁽⁵⁾, provides that rice held by intervention agencies is to be sold by invitation to tender at prices enabling market disturbance to be avoided;

Whereas Commission Regulation (EEC) No 75/91 ⁽⁶⁾, lays down the procedures and conditions for the sale of paddy rice held by intervention agencies;

Whereas Italy has intervention stocks of paddy rice; whereas storage conditions have brought about a deterioration of certain quantities of this rice; whereas as a consequence the latter cannot be sold on the internal market at the prices laid down in Article 5 (1) of Regulation (EEC) No 75/91; whereas provision should accordingly be made for the resale of the rice in question at a specific price and for a given purpose;

Whereas the rice must be disposed of in animal feed within the Community; whereas, in order to ensure that the rice is used for the purpose laid down, the successful tenderer must be required to lodge a security and the conditions under which it is to be released should be laid down; whereas, in addition, as regards verification of use Commission Regulation (EEC) No 569/88 of 16 February 1988 laying down common detailed rules for verifying the use and/or destination of products from intervention ⁽⁷⁾, as last amended by Regulation (EEC) No 3398/91 ⁽⁸⁾, should apply;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall sell by standing invitation to tender on the Community internal market approximately 11 300 tonnes of deteriorated rice for disposal in animal feed.

Article 2

The sale provided for in Article 1 shall take place in accordance with the terms of Regulation (EEC) No 75/91. However, notwithstanding Article 5 of that Regulation, the minimum price to be met shall be ECU 105 per tonne.

Article 3

1. Tenderers shall undertake to use as animal feed, by 28 February 1992 at the latest, any products that they are awarded, unless they are prevented from so doing by *force majeure*.

2. The successful tenderer shall lodge a security of ECU 190 per tonne against discharge of compliance with the conditions laid down in paragraph 1. The security shall be lodged within two working days at the latest of that on which the notice of award is received.

Article 4

1. The obligation referred to in Article 3 (1) shall be deemed a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽⁹⁾. It shall only be considered to have been discharged if the successful tenderer provides proof of having complied therewith.

2. Proof that the rice covered by this Regulation have been used shall be provided in accordance with Regulation (EEC) No 569/88.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 82, 28. 3. 1991, p. 5.

⁽⁵⁾ OJ No L 9, 11. 1. 1991, p. 15.

⁽⁶⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁷⁾ OJ No L 320, 22. 11. 1991, p. 16.

⁽⁸⁾ OJ No L 205, 3. 8. 1985, p. 5.

3. Regulation (EEC) No 569/88 is hereby amended as follows:

In Part II of the Annex (Products subject to a use and/or destination other than that mentioned under I), the following point and corresponding footnote are added:

'42. Commission Regulation (EEC) No 3503/91 of 2 December 1991 on the issue of a standing invitation to tender for the resale on the Community internal market of approximately 11 300 tonnes of paddy rice held by the Italian intervention agency⁽⁴²⁾:

On the dispatch of the rice in question, section 104 the following B to be added:

- Destinado a la utilización prevista en el artículo 1 del Reglamento (CEE) n° 3503/91,
- Bestemt til afsætning efter artikel 1 i forordning (EØF) nr. 3503/91,
- Zum Absatz gemäß Artikel 1 der Verordnung (EWG) Nr. 3503/91 bestimmt,
- Προορίζεται να διατεθεί σύμφωνα με το άρθρο 1 του κανονισμού (ΕΟΚ) αριθ. 3503/91,
- For use in accordance with Article 1 of Regulation (EEC) No 3503/91,
- Destiné à être écoulé [article 1^{er} du règlement (CEE) n° 3503/91],
- Destinato ad essere smerciato a norma dell'articolo 1 del regolamento (CEE) n. 3503/91,
- Bestemd om te worden afgezet overeenkomstig artikel 1 van Verordening (EEG) nr. 3503/91,

— Destinado a ser escoado na alimentação animal [artigo 1º do Regulamento (CEE) n° 3503/91].

⁽⁴²⁾ OJ No L 331, 3. 12. 1991, p. 7.

Article 5

1. The closing date for the submission of tenders for the first partial invitation to tender shall be no later than 5 December 1991.
2. The closing date for the submission of tenders for the last partial invitation to tender shall be 27 February 1992.
3. Tenders must be lodged with the Italian intervention agency at the following address:
 - Ente Nazionale Risi, Piazza Pio XI, 1, I-20123 Milano, Telex : 334032 ; Tel. : 874 153.

Article 6

The Italian intervention agency shall notify the Commission, at the latest by Tuesday of the week following the closing date for the submission of tenders, of the quantities and average prices of the various lots sold.

Article 7

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

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

Done at Brussels, 2 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3504/91

of 2 December 1991

opening an invitation to tender for the reduction in the levy on maize imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, as amended by Regulation (EEC) No 3391/91 ⁽²⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of maize into Spain in the years 1987 to 1990; whereas by Decision 91/30/EEC ⁽³⁾ on the conclusion of the exchange of letters complementing the above-mentioned agreement, the Council approved the extension of that agreement to 1991, that extension being without prejudice to the rights and obligations arising from the original agreement;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 1799/87, the levy reduction is to be applied to maize imported into Spain under cover of a licence valid in that Member State alone;

Whereas the specific additional rules required for administering the invitation to tender should be laid down, including in particular rules on the lodging by operators and the release of securities against fulfilment of their obligations, and in particular the obligation to process or use the imported product in Spain;

Whereas it is impossible for all the quantities of maize and grain sorghum concerned to be imported into Spain by 28 February 1992 as provided for in the Agreement; whereas Article 6 of Regulation (EEC) No 1799/87 should therefore be applied and the quantities for 1991 should be imported during the period 1 January to 30 April 1992;

Whereas, with a view to avoiding any disturbances on the Spanish market, the staggering of imports until the month of April should be facilitated; whereas the reduction in the levy should, for that purpose, be increased by the amount of the monthly increases;

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

Article 1

1. An invitation to tender is hereby opened for the reduction in the import levy on maize to be imported into Spain.
2. The invitation to tender shall be open until 19 December 1991. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the competent authority against a receipt or forwarded to that authority by telex, telegram or telefax.
2. Tenders shall indicate:
 - the weekly invitation in response to which they are made,
 - the name and exact address of the tenderer, with telex or telefax number,
 - the type and quantity of the product to be imported,
 - the reduction in the import levy proposed, in ecus per tonne,
 - the origin of the maize to be imported.
3. Tenders shall be valid only if:
 - (a) they do not exceed the maximum quantity available for each closing date for the submission of applications;
 - (b) evidence is provided before expiry of the time limit for submission that the tenderer has lodged a security for an amount per tonne equal to that of the reduction proposed in the tender;
 - (c) they are accompanied by a written undertaking to lodge with the competent authority within two days of receipt of notification of award as mentioned in Article 4 (3) an application for an import licence for the quantities awarded together with an application for advance fixing of the levy at the reduced rate proposed in the tender and an application for advance fixing of the Spanish monetary compensatory amounts;
 - (d) they are for at least 25 000 tonnes.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 320, 22. 11. 1991, p. 1.

⁽³⁾ OJ No L 17, 23. 1. 1991, p. 17.

4. Tenders not meeting the requirements set out in paragraph 1, 2 and 3 or incorporating terms other than those provided for in the invitation to tender shall not be valid.

5. Once submitted, tenders may not be withdrawn.

Article 3

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾ import licences shall, for the purposes of determining their term of validity, be deemed to have been issued on the closing date for the submission of tenders.

2. Import licences issued in connection with awards made under this invitation to tender shall be valid from 1 January to 30 April 1992.

3. Notwithstanding Article 2 (2) of Commission Regulation (EEC) No 891/89 ⁽²⁾, Article 5 (2) of Commission Regulation (EEC) No 3105/87 ⁽³⁾ shall apply in respect of licences issued under this Regulation.

4. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights conferred by import licences shall not be transferable.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 ⁽⁴⁾;

— either to set a maximum reduction in the import levy, or

— to make no awards.

Where a maximum reduction in the import levy is set, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. The amount of the reduction in the levy awarded in accordance with paragraph 1 is increased by:

— ECU 1,5 per tonne for maize imported during the month of January 1992,

— ECU 3,0 per tonne for maize imported during the month of February 1992,

— ECU 4,5 per tonne for maize imported during the month of March 1992,

— ECU 6,0 per tonne for maize imported during the month of April 1992.

3. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (c) within the time limit laid down, a licence shall be issued for the quantities for which he has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (c) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. The tendering security shall be released:

(a) where the tender is not accepted;

(b) where the tenderer provides evidence by means of a sales invoice to a processor or consumer in Spain that the products imported have been processed or used in Spain;

(c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected to reasons of *force majeure*.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Article 7

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than two hours after the time limit laid down in the notice of invitation to tender. They must be forwarded in the form shown in the Annex.

Should no tenders be received, Spain shall inform the Commission within the same period as that referred to in the first paragraph.

Article 8

The times for the purposes of this Regulation shall be Brussels time.

Article 9

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

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽³⁾ OJ No L 294, 17. 10. 1987, p. 15.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

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

Done at Brussels, 2 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the reduction in the levy on maize imported from third countries

(Regulation (EEC) No 3504/91)

Deadline for submission of tenders (date/time)

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

COMMISSION REGULATION (EEC) No 3505/91

of 2 December 1991

opening an invitation to tender for the reduction in the levy on grain sorghum imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, as amended by Regulation (EEC) No 3391/91 ⁽²⁾, and in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of grain sorghum into Spain in the years 1987 to 1990; whereas by Decision 91/30/EEC ⁽³⁾ on the conclusion of the exchange of letters complementing to abovementioned agreement, the Council approved the extension of that agreement to 1991, that extension being without prejudice to the rights and obligations arising from the original agreement;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 1799/87, the levy reduction is to be applied to grain sorghum imported into Spain under cover of a licence valid in that Member State alone;

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agriculture products and certain goods resulting from the processing of agriculture products originating in the ACP States or in the overseas countries and territories (OCT) ⁽⁴⁾, as last amended by Regulation (EEC) No 523/91 ⁽⁵⁾, provides in particular for a reduction of 60 % in the levy applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota;

Whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined benefits should be ruled out for the sake of the satisfactory functioning of the invitation to tender;

Whereas specific additional rules required for administering the invitation to tender should be laid down, including in particular rules on the lodging by operators and the release of securities against fulfilment of their

obligations, and in particular the obligation to process or use the imported product in Spain;

Whereas it is impossible for all the quantities of maize and grain sorghum concerned to be imported into Spain by 28 February 1992 as provided for in the Agreement; whereas Article 6 of Regulation (EEC) No 1799/87 should therefore be applied and the quantities for 1991 should be imported during the period 1 January to 30 April 1992;

Whereas, with a view to avoiding any disturbances on the Spanish market, the staggering of imports until the month of April should be facilitated; whereas the reduction in the levy should, for that purpose, be increased by the amount of the monthly increases;

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

1. An invitation to tender is hereby opened for the reduction in the import levy on grain sorghum to be imported into Spain.
2. Under this invitation to tender, the reduction in the import levy on grain sorghum provided for in Article 11 of Regulation (EEC) No 715/90 shall not apply.
3. The invitation to tender shall be open until 19 December 1991. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the competent authority against a receipt or forwarded to that authority by telex, telegram or telefax.
2. Tenders shall indicate:
 - the weekly invitation in response to which they are made,
 - the name and exact address of the tenderer, with telex or telefax number,
 - the type and quantity of the product to be imported,
 - the reduction in the import levy proposed, in ecus per tonne,
 - the origin of the grain sorghum to be imported.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 320, 22. 11. 1991, p. 1.

⁽³⁾ OJ No L 17, 23. 1. 1991, p. 17.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁵⁾ OJ No L 58, 5. 3. 1991, p. 1.

3. Tenders shall be valid only if:

- (a) they do not exceed the maximum quantity available for each closing date for the submission of applications;
- (b) evidence is provided before expiry of the time limit for submission that the tenderer has lodged a security for an amount per tonne equal to that of the reduction proposed in the tender;
- (c) they are accompanied by a written undertaking to lodge with the competent authority within two days of receipt of notification of award as mentioned in Article 4 (2) an application for an import licence for the quantities awarded together with an application for advance fixing of the levy at the reduced rate proposed in the tender and an application for advance fixing of the Spanish monetary compensatory amounts;
- (d) they are for at least 10 000 tonnes.

4. Tenders not meeting the requirements set out in paragraph 1, 2 and 3 or incorporating terms other than those provided for in the invitation to tender shall not be valid.

5. Once submitted, tenders may not be withdrawn.

Article 3

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾ import licences shall, for the purposes of determining their term of validity, be deemed to have been issued on the closing date for the submission of tenders.

2. Import licences issued in connection with awards made under this invitation to tender shall be valid from 1 January to 30 April 1992.

3. Notwithstanding Article 2 (2) of Commission Regulation (EEC) No 891/89 ⁽²⁾, Article 5 (2) of Commission Regulation (EEC) No 3105/87 ⁽³⁾ shall apply in respect of licences issued under this Regulation.

4. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights conferred by import licences shall not be transferable.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the

procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 ⁽⁴⁾:

- either to set a maximum reduction in the import levy, or
- to make no awards.

Where a maximum reduction in the import levy is set, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. The amount of the reduction in the levy awarded in accordance with paragraph 1 is increased by:

- ECU 1,5 per tonne for sorghum imported during the month of January 1992,
- ECU 3 per tonne for sorghum imported during the month of February 1992,
- ECU 4,5 per tonne for sorghum imported during the month of March 1992,
- ECU 6 per tonne for sorghum imported during the month of April 1992.

3. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (c) within the time limit laid down, a licence shall be issued for the quantities for which he has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (c) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. The tendering security shall be released:

- (a) where the tender is not accepted;
- (b) where the tenderer provides evidence by means of a sales invoice to a processor or consumer in Spain that the products imported have been processed or used in Spain;
- (c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected for reasons of *force majeure*.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽³⁾ OJ No L 294, 17. 10. 1987, p. 15.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Should no tenders be received, Spain shall inform the Commission within the same period as that referred to in the first paragraph.

Article 7

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than two hours after the time limit laid down in the notice of invitation to tender. They must be forwarded in the form shown in the Annex.

Article 8

The times for the purposes of this Regulation shall be Brussels time.

Article 9

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

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

Done at Brussels, 2 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the reduction in the levy on grain sorghum imported from third countries

(Regulation (EEC) No 3505/91)

Deadline for submission of tenders (date/time)

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 1/91 OF THE EEC-MALTA ASSOCIATION COUNCIL
of 25 November 1991**

**amending Annex III of Protocol No 2 concerning the definition of the concept
of 'originating products' and methods of administrative cooperation**

(91/607/EEC)

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement creating an Association between the European Economic Community and Malta and signed on 5 December 1970,

Having regard to Protocol No 2 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, hereinafter called 'Protocol No 2', and in particular Article 25 thereof,

Whereas the Joint Declaration attached to Decision No 1/89 of the Association Council provides for a review of the changes made to the rules of origin following the introduction of the Harmonized System where the amendments result in a situation prejudicial to the interest of the sectors concerned; whereas it also provides for the substance of the rule of origin concerned to be restored as from 1 January 1990;

Whereas the rule of origin concerning 'other garments, women's or girls', embroidered', which was established by Decision No 1/89 of the Association Council, should be amended to restore the substance of this rule as it was before the introduction of the Harmonized System,

Article 1

In Annex III to Protocol No 2 to the Agreement between the European Economic Community and Malta, the wording of the entry relating to HS headings Nos ex 6202, ex 6204, ex 6206, ex 6209 and ex 6217 is hereby replaced by that set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day on which it is adopted.

It shall be applicable from 1 January 1990.

Done at Brussels, 25 November 1991.

For the Association Council

The President

Ch. INGUANEZ

ANNEX

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 6202 ex 6204 ex 6206 ex 6209 ex 6211 ex 6217	Women's, girls' and babies' clothing and 'other made-up clothing accessories', embroidered	Manufacture from yarn (1) or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product (1)

(1) See introductory Note 7 for the treatment of textile trimmings and accessories.

COMMISSION

COMMISSION DECISION

of 12 November 1991

amending Decision 86/473/EEC as regards the list of establishments in Uruguay approved for the purpose of importing meat products into the Community

(91/608/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 91/497/EEC ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas a list of establishments in Uruguay, approved for the purpose of importing meat products into the Community, was drawn up initially by Commission Decision 86/473/EEC ⁽³⁾, as last amended by Decision 87/425/EEC ⁽⁴⁾;

Whereas a Community on-the-spot visit to meat product establishments in Uruguay has revealed that the level of hygiene in one establishment was altered since the last inspection; whereas the list of establishments should be amended accordingly;

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

The Annex to Decision 86/473/EEC is hereby replaced by the Annex to this Decision.

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 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 69.

⁽³⁾ OJ No L 279, 30. 9. 1986, p. 53.

⁽⁴⁾ OJ No L 228, 15. 8. 1987, p. 45.

*ANNEX***LIST OF ESTABLISHMENTS**

Approval No	Establishment	Address
2	Colonia	Tararias, Colonia
8	Canelones	Canelones, Canelones
30	Incur	Fray Bentos, Río Negro
35	Brincofor	Pando, Canelones

COMMISSION DECISION**of 13 November 1991****amending Decision 81/546/EEC concerning the animal health conditions and veterinary certification for the import of fresh meat from Austria****(91/609/EEC)**

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 91/497/EEC⁽²⁾, and in particular Article 16 thereof,

Whereas by Decision 81/546/EEC⁽³⁾, as last amended by Decision 91/54/EEC⁽⁴⁾, the Commission established the animal health conditions and veterinary certification for the import of fresh meat from Austria;

Whereas following the occurrence of outbreaks of classical swine fever in Austria, the Commission, by Decision 90/90/EEC⁽⁵⁾, suspended the imports of live pigs, fresh pigmeat and pigmeat Products from this country;

Whereas the Austrian authorities have adopted measures allowing the Commission to amend the abovementioned Decision by Decision 91/54/EEC, in order to re-authorize these imports from certain regions of Austria;

Whereas Decision 81/546/EEC should be amended accordingly;

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

Annex B to Decision 81/546/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 69.

⁽³⁾ OJ No L 206, 27. 7. 1981, p. 7.

⁽⁴⁾ OJ No L 34, 6. 2. 1991, p. 15.

⁽⁵⁾ OJ No L 61, 10. 3. 1990, p. 21.

ANNEX**ANNEX B****ANIMAL HEALTH CERTIFICATE**

for fresh meat⁽¹⁾ of domestic animals of the porcine species intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate⁽²⁾ :

Exporting countries : (Upper Austria, Salzburg, Tyrol, Vorarlberg, Carinthia, Burgenland)

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of domestic animals of the porcine species

Nature of cuts :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s)⁽²⁾ of the approved slaughterhouse(s) :

Address(es) and veterinary approval number(s)⁽²⁾ of the approved cutting plant(s) :

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport⁽³⁾ :

Name and address of consignor :

Name and address of consignee :

⁽¹⁾ Fresh meat means all parts fit for human consumption from domestic animals of the porcine species which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ For railway wagons or lorries, the vehicle registration number should be stated, for aircraft the flight number and for vessels the name.

IV. Attestation of health

I, the undersigned official veterinarian, certify that :

1. the fresh meat described above is obtained from :

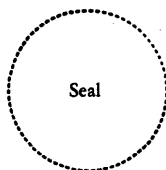
- animals which have remained in the territory of Austria (Upper Austria, Salzburg, Tyrol, Vorarlberg, Carinthia and Burgenland) for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- animals which come from holdings in which there has been no outbreak of foot-and-mouth disease or swine vesicular disease in the previous 30 days or swine fever in the previous 40 days and around which within a radius of 10 km there has been no case of these diseases for 30 days,
- animals which have been transported from their holdings of origin to the approved slaughterhouse concerned without contact with animals which do not comply with the conditions required for export of their meat to the Community, and, if conveyed in a means of transport, that the latter has been cleaned and disinfected before loading,
- animals which have passed an ante mortem health inspection referred to in Chapter V of Annex B to Directive 72/462/EEC at the slaughterhouse during the 24 hours before slaughter and have showed no evidence of foot-and-mouth disease,
- animals which have not come from a holding which for health reasons is subject to prohibition as a result of an outbreak of porcine brucellosis during the previous six weeks ;

2. the fresh meat described above is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the Community has been authorized only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishments under the control of an official veterinarian.

Done at

(Place)

(Date)



.....
(Signature of official veterinarian)

.....
(Name and title, in capital letters)

COMMISSION DECISION

of 13 November 1991

amending Decision 91/28/EEC authorizing certain Member States to provide for exceptions from certain provisions of Directive 77/93/EEC in respect of potatoes for human consumption originating in Turkey

(Only the Dutch, French and German texts are authentic)

(91/610/EEC)

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

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into Member States of organisms harmful to plants or plant products ⁽¹⁾, as last amended by Directive 91/27/EEC ⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, the Federal Republic of Germany, Luxembourg and the Netherlands,

Whereas pursuant to provisions of Directive 77/93/EEC, potato tubers originating in Turkey may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas, however, Article 14 (3) of the said Directive permits exceptions from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas by Commission Decision 91/28/EEC ⁽³⁾, the Commission authorized such derogations under revised conditions in respect of potatoes for human consumption originating in Turkey;

Whereas that Decision stipulated that the authorization shall expire on 30 May 1991;

Whereas the circumstances justifying the authorization still obtain;

Whereas the authorization should therefore be extended for a further period;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 91/28/EEC is hereby amended as follows:

1. in Article 1 (2) (e), '1990' is replaced by '1991';
2. in Article 2 ⁽¹⁾, '30 May 1991' is replaced by '15 June 1992';
3. in Article 3, '1 August 1991' is replaced by '1 August 1992';
4. in Annex II, point 8, '91/28/EEC' is replaced by '91/610/EEC'.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 13 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 16, 22. 1. 1991, p. 29.

⁽³⁾ OJ No L 16, 22. 1. 1991, p. 31.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1738/91 of 13 June 1991 fixing, for the 1991 harvest, the norm and intervention prices and the premiums granted to purchasers of leaf tobacco, the derived intervention price for baled tobacco, the reference quantities, the production areas and the guaranteed maximum quantities and amending Regulation (EEC) No 1331/90

(Official Journal of the European Communities No L 163 of 26 June 1991)

On page 32, Annex III, Serial No 4 (b), third column 'Production areas':

for: 'B (*) Flanders, Hainaut, Namur, Luxembourg',

read: 'C (*) Flanders, Hainaut, Namur, Luxembourg'.

Corrigendum to Council Regulation (EEC) No 3091/91 of 21 October 1991 imposing a definitive anti-dumping duty on imports of video tapes in cassettes originating in the People's Republic of China and definitively collecting the provisional duty

(Official Journal of the European Communities No L 293 of 24 October 1991)

On page 4 in recital 22 in the sixth indent delete the words: 'Song Gang',

and before the final indent add:

'— Zhuhai Zhong Xing Magnetics Co. Ltd: 4,2 %'.

Corrigendum to Commission Regulation (EEC) No 3206/91 of 31 October 1991 on applications for commitment of, advances on and payment of the balance of aid granted by the EAGGF Guidance Section for operational programmes involving investments to improve the conditions under which agricultural and forestry products are processed and marketed

(Official Journal of the European Communities No L 303 of 1 November 1991)

On page 63, Annex III, last column 'F = D + E':

for: '... until the end of period n-1',

read: '... until the end of period n.'
