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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 653/91
of 19 March 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 533/91⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 March 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 533/91 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 20 March 1991.

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

Done at Brussels, 19 March 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 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 19 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	133,61 ⁽²⁾ ⁽³⁾
0712 90 19	133,61 ⁽²⁾ ⁽³⁾
1001 10 10	194,29 ⁽¹⁾ ⁽⁵⁾
1001 10 90	194,29 ⁽¹⁾ ⁽⁵⁾
1001 90 91	181,16
1001 90 99	181,16
1002 00 00	155,54 ⁽⁶⁾
1003 00 10	150,73
1003 00 90	150,73
1004 00 10	143,74
1004 00 90	143,74
1005 10 90	133,61 ⁽²⁾ ⁽³⁾
1005 90 00	133,61 ⁽²⁾ ⁽³⁾
1007 00 90	142,81 ⁽⁴⁾
1008 10 00	56,60
1008 20 00	138,34 ⁽⁴⁾
1008 30 00	66,08 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	66,08
1101 00 00	267,98 ⁽⁸⁾
1102 10 00	232,12 ⁽⁸⁾
1103 11 10	314,66 ⁽⁸⁾
1103 11 90	287,96 ⁽⁸⁾

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 654/91

of 19 March 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 3845/90⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 March 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 20 March 1991.

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

Done at Brussels, 19 March 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 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 19 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	4,86	4,86	4,51
0712 90 19	0	4,86	4,86	4,51
1001 10 10	0	1,86	1,86	1,86
1001 10 90	0	1,86	1,86	1,86
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	4,86	4,86	4,51
1005 90 00	0	4,86	4,86	4,51
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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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 655/91
of 19 March 1991
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2779/75 of the Council ⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the poultrymeat sector;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 1991.

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

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX
to the Commission Regulation of 19 March 1991 fixing the export refunds on
poultrymeat

Product code	Destination of refund (1)	Amount of refund
		ECU/100 units
0105 11 00 000	10	4,20
	09	5,00
0105 19 10 000	01	8,40
0105 19 90 000	01	4,20
		ECU/100 kg
0105 91 00 000	01	17,00
0207 10 11 000	01	15,00
0207 10 15 000	04	34,00
	05	29,00
	06	25,00
0207 10 19 100	04	38,00
	05	33,00
	06	25,00
0207 10 19 900	01	25,00
0207 10 31 000	01	28,00
0207 10 39 000	01	28,00
0207 10 51 000	07	30,00
	08	35,00
0207 10 55 000	07	30,00
	08	40,00
0207 10 59 000	07	30,00
	08	40,00
0207 21 10 000	04	34,00
	05	29,00
	06	25,00
0207 21 90 100	04	38,00
	05	33,00
	06	25,00
0207 21 90 900	01	25,00
0207 22 10 000	01	28,00
0207 22 90 000	01	28,00
0207 23 11 000	07	30,00
	08	40,00
0207 23 19 000	07	30,00
	08	40,00
0207 39 11 110	01	8,00
0207 39 11 190	—	—
0207 39 11 910	—	—
0207 39 11 990	01	50,00
0207 39 13 000	02	30,00
	03	28,00
0207 39 15 000	01	10,00
0207 39 21 000	01	37,00
0207 39 23 000	02	39,00
	03	36,00
0207 39 25 100	02	30,00
	03	28,00
0207 39 25 200	02	30,00
	03	28,00
0207 39 25 300	02	30,00
	03	28,00
0207 39 25 400	01	5,00
0207 39 25 900	—	—
0207 39 31 110	01	8,00
0207 39 31 190	—	—
0207 39 31 910	—	—
0207 39 31 990	01	50,00
0207 39 33 000	01	28,00

Product code	Destination of refund (1)	Amount of refund
		ECU/100 kg
0207 39 35 000	01	13,00
0207 39 41 000	01	37,00
0207 39 43 000	01	18,00
0207 39 45 000	01	36,00
0207 39 47 100	01	13,00
0207 39 47 900	—	—
0207 39 55 110	01	8,00
0207 39 55 190	—	—
0207 39 55 910	—	—
0207 39 55 990	01	54,00
0207 39 57 000	01	44,00
0207 39 65 000	01	15,00
0207 39 73 000	07	30,00
	08	44,00
0207 39 77 000	07	29,00
	08	43,00
0207 41 10 110	01	8,00
0207 41 10 190	—	—
0207 41 10 910	—	—
0207 41 10 990	01	50,00
0207 41 11 000	02	30,00
	03	28,00
0207 41 21 000	01	10,00
0207 41 41 000	01	37,00
0207 41 51 000	02	39,00
	03	36,00
0207 41 71 100	02	30,00
	03	28,00
0207 41 71 200	02	30,00
	03	28,00
0207 41 71 300	02	30,00
	03	28,00
0207 41 71 400	01	5,00
0207 41 71 900	—	—
0207 42 10 110	01	8,00
0207 42 10 190	—	—
0207 42 10 910	—	—
0207 42 10 990	01	50,00
0207 42 11 000	01	28,00
0207 42 21 000	01	13,00
0207 42 41 000	01	37,00
0207 42 51 000	01	18,00
0207 42 59 000	01	36,00
0207 42 71 100	01	13,00
0207 42 71 900	—	—
0207 43 15 110	01	8,00
0207 43 15 190	—	—
0207 43 15 910	—	—
0207 43 15 990	01	54,00
0207 43 21 000	01	44,00
0207 43 31 000	01	15,00
0207 43 53 000	07	30,00
	08	44,00
0207 43 63 000	07	29,00
	08	43,00
1602 39 11 100	01	19,00
1602 39 11 900	—	—

(¹) The destinations are as follows :

- 01 All destinations except the United States of America,
- 02 Egypt, the Canary Islands, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan and Singapore,
- 05 Canary Islands, Ceuta and Melilla,
- 06 All destinations except the United States of America and those of 04 and 05 above,
- 07 Hungary, Poland, Romania, Yugoslavia, Czechoslovakia and Bulgaria,
- 08 All destinations except the United States of America and those of 07 above,
- 09 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates and the Republic of Yemen,
- 10 All destinations except the United States of America and those of 09 above.

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 656/91

of 19 March 1991

fixing the export refunds on beef and veal and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 18 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68 ⁽³⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87 ⁽⁶⁾, Regulation (EEC) No 1964/82 ⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 ⁽⁸⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁹⁾, lay down the conditions for granting special export refunds for certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas given the current market situation in the Community and the possibilities of disposal in certain third countries, in particular export refunds on adult male

bovine animals of a live weight of at least 300 kilograms and other bovines of a live weight of at least 250 kilograms should be granted; whereas experience gained in recent years has shown that it is advisable to treat live pure-bred breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on certain fresh or chilled meat listed in Annex I under CN code 0201, on certain frozen meat listed in Annex I under CN code 0202, on certain meat or offal listed in Annex I under CN code 0206 and on certain other prepared or preserved meat or offal listed in Annex I under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by the CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, the refund should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas a minimum content of lean bovine meat should be fixed for boneless cuts wrapped individually and covered by CN codes 0201 30 and 0202 30;

Whereas refunds should also be granted on fresh or frozen boned or boneless pieces, even where each piece is not individually wrapped, and on minced meat, and the wording of the tariff subheadings for fresh boned or boneless pieces specified;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in Annex I under CN code 1602 50 90, Community participation in international trade may be maintained by granting a refund corresponding to that at present available;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 376, 31. 12. 1987, p. 31.

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade is not significant;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EEC) No 103/91 ⁽⁴⁾; establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals, except in the case of certain frozen beef held by the intervention agencies that is to be exported under Commission Regulations (EEC) No 243/90 ⁽⁵⁾ and (EEC) No 676/90 ⁽⁶⁾;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of bovine and other meat contained in prepared or preserved meat covered by CN code 1602 50; whereas products of

the bovine species alone should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas control over products other than mixtures of meat or offal should be reinforced by making the granting of refunds on these products conditional on manufacturer under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁷⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in Annex I hereto.

The description of CN codes 0201 30 and 0202 30 and the footnotes thereto given in Section 6 of the Annex to Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds are hereby replaced by those set out in Annex II hereto.

Article 2

This Regulation shall enter into force on 21 March 1991.

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

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 12, 17. 1. 1991, p. 12.

⁽⁵⁾ OJ No L 27, 31. 1. 1990, p. 8.

⁽⁶⁾ OJ No L 75, 21. 3. 1990, p. 8.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

ANNEX I

(ECU/100 kg)		
Product code	Destination (7)	Amount of refund (8)
		— Live weight —
0102 10 00 190	01	96,00
0102 10 00 390	01	96,00
0102 90 31 900	02	85,50
	03	55,50
	04	25,50
0102 90 33 900	02	85,50
	03	55,50
	04	25,50
0102 90 35 900	02	101,50
	03	73,00
	04	34,50
0102 90 37 900	02	101,50
	03	73,00
	04	34,50
		— Net weight —
0201 10 10 100	02	92,00
	03	65,00
	04	32,50
0201 10 10 900	02	126,50
	03	88,00
	04	44,00
0201 10 90 110 (1)	02	124,50
	03	85,00
	04	42,50
0201 10 90 190	02	92,00
	03	65,00
	04	32,50
0201 10 90 910 (1)	02	171,50
	03	115,00
	04	57,50
0201 10 90 990	02	126,50
	03	88,00
	04	44,00
0201 20 21 000	02	126,50
	03	88,00
	04	44,00

(ECU/100 kg)		
Product code	Destination (°)	Amount of refund (°)
		— Net weight —
0201 20 29 100 (°)	02	171,50
	03	115,00
	04	57,50
0201 20 29 900	02	126,50
	03	88,00
	04	44,00
0201 20 31 000	02	92,00
	03	65,00
	04	32,50
0201 20 39 100 (°)	02	124,50
	03	85,00
	04	42,50
0201 20 39 900	02	92,00
	03	65,00
	04	32,50
0201 20 51 100	02	161,00
	03	110,50
	04	56,00
0201 20 51 900	02	92,00
	03	65,00
	04	32,50
0201 20 59 110 (°)	02	218,50
	03	146,00
	04	73,00
0201 20 59 190	02	161,00
	03	110,50
	04	56,00
0201 20 59 910 (°)	02	124,50
	03	85,00
	04	42,50
0201 20 59 990	02	92,00
	03	65,00
	04	32,50
0201 20 90 700	02	92,00
	03	65,00
	04	32,50
0201 30 00 050 (°)	05	112,00
0201 30 00 100 (°)	02	312,00
	03	208,50
	04	104,50
	06	266,50
0201 30 00 150 (°)	02	165,00
	03	125,00
	04	62,50
	06	144,50
0201 30 00 190 (°)	07	90,00
	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (?)
		— Net weight —
0202 10 00 100	02	92,00
	03	65,00
	04	32,50
0202 10 00 900	02	126,50
	03	88,00
	04	44,00
0202 20 10 000	02	126,50 ⁽¹⁰⁾
	03	88,00
	04	44,00
0202 20 30 000	02	92,00 ⁽¹⁰⁾
	03	65,00
	04	32,50
0202 20 50 100	02	161,00 ⁽¹⁰⁾
	03	110,50
	04	56,00
0202 20 50 900	02	92,00
	03	65,00
	04	32,50
0202 20 90 100	02	92,00
	03	65,00
	04	32,50
0202 30 90 100 ⁽⁴⁾	05	112,00
0202 30 90 400 ⁽⁶⁾	02	165,00 ⁽¹⁰⁾
	03	125,00 ⁽¹⁰⁾
	04	62,50 ⁽¹⁰⁾
	06	144,50 ⁽¹⁰⁾
	07	90,00 ⁽¹⁰⁾
0202 30 90 500 ⁽⁶⁾	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
	07	90,00
0206 10 95 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0206 29 91 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	128,00
0210 20 90 500 ⁽³⁾	02	128,00
1602 50 10 120	02	134,50 ⁽⁷⁾
	03	108,00 ⁽⁷⁾
	04	108,00 ⁽⁷⁾
1602 50 10 140	02	119,50 ⁽⁷⁾
	03	96,00 ⁽⁷⁾
	04	96,00 ⁽⁷⁾

(ECU/100 kg)		
Product code	Destination (7)	Amount of refund (6)
		— Net weight —
1602 50 10 160	02	96,00 (2)
	03	77,00 (2)
	04	77,00 (2)
1602 50 10 170	02	63,50 (2)
	03	51,00 (2)
	04	51,00 (2)
1602 50 10 190	02	63,50
	03	51,00
	04	51,00
1602 50 10 240	02	36,00
	03	36,00
	04	36,00
1602 50 10 260	02	26,00
	03	26,00
	04	26,00
1602 50 10 280	02	16,00
	03	16,00
	04	16,00
1602 50 90 120	01	116,00 (2)
1602 50 90 130	01	73,00 (2)
1602 50 90 190	01	36,00
1602 50 90 320	01	103,00 (2)
1602 50 90 330	01	65,00 (2)
1602 50 90 390	01	36,00
1602 50 90 520	01	77,00 (2)
1602 50 90 530	01	48,50 (2)
1602 50 90 590	01	36,00
1602 50 90 610	01	36,00
1602 50 90 620	01	16,00
1602 50 90 700	01	36,00
1602 50 90 800	01	26,00
1602 50 90 900	01	16,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Lebanon, Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 European third countries, the Canary Islands, Ceuta, Melilla, Lebanon, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and South African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 Switzerland.

(⁸) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(⁹) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(¹⁰) Excluding frozen meat exported under Regulations (EEC) No 243/90, (EEC) No 676/90, (EEC) No 1680/90 and (EEC) No 1682/90. However, in the case of exports under Regulations (EEC) No 1680/90 and (EEC) No 1682/90, the export refunds set out in the Annex to Regulation (EEC) No 1309/90 should be applied.

NB: The countries are as defined in Commission Regulation (EEC) No 91/91 (OJ No L 11, 16. 1. 1991, p. 5). The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

CN code	Description of goods	Product code
0201 30 00	— Boneless : — Boneless cuts exported to the USA under the conditions laid down in Commission Regulation (EEC) No 2973/79 ⁽⁴⁾ — From the hindquarters of male adult bovine animals with a maximum of nine ribs or nine pairs of ribs ⁽²⁾, each piece individually wrapped — Other boned cuts each piece individually wrapped with a lean bovine meat content (excluding fat) of 50 % or more ⁽⁶⁾ — Other, including minced meat, with a lean meat content (excluding fat) of 78 % or more ⁽⁶⁾ — Other	0201 30 00 050 0201 30 00 100 0201 30 00 150 0201 30 00 190 0201 30 00 900
0202 30	— Boneless :	
0202 30 90	— — Other : — Boned cuts exported to the United States of America under the conditions laid down in Regulation (EEC) No 2973/79 ⁽⁴⁾ — Boned cuts, excluding boned cuts exported under Commission Regulations (EEC) No 243/90 ⁽⁷⁾, (EEC) No 676/90 ⁽⁸⁾ and (EEC) No 1680/90 ⁽¹⁰⁾, each piece individually wrapped with a lean bovine meat content (excluding fat) of 50 % or more ⁽⁶⁾ — Other, including minced meat, with a lean meat content (excluding fat) of 78 % or more ⁽⁶⁾ — Other	0202 30 90 100 0202 30 90 400 0202 30 90 500 0202 30 90 900

⁽²⁾ Entry within this subheading is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1982, p. 48).

⁽⁴⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

⁽⁷⁾ OJ No L 27, 31. 1. 1990, p. 8.

⁽⁸⁾ OJ n° L 75, 21. 3. 1990, p. 8.

⁽¹⁰⁾ OJ n° L 157, 22. 6. 1990, p. 18.

NB: Article 7 of Council Regulation (EEC) No 885/68 (OJ No L 156, 4. 7. 1968, p. 2) provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

COMMISSION REGULATION (EEC) No 657/91**of 19 March 1991****adopting interim protective measures on applications for STM licences in the beef and veal sector applicable to Spain submitted during the period 11 to 15 March 1991**

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

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

Whereas Commission Regulation (EEC) No 3690/90⁽¹⁾ laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued each quarter;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary if the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas the licence applications lodged between 11 and 15 March 1991 have revealed that the maximum quantity

for the first quarter achieved the ceiling set for fresh and refrigerated meat; whereas therefore no further certificates should be issued for the time being,

HAS ADOPTED THIS REGULATION:

Article 1

For fresh and refrigerated beef and veal:

1. the issuing of STM licences in response to applications submitted during the period 11 to 15 March 1991 onwards is suspended for the time being;
2. applications for STM licences can be reintroduced from 18 March 1991.

Article 2

This Regulation shall enter into force on 20 March 1991.

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

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 357, 20. 12. 1990, p. 27.

COMMISSION REGULATION (EEC) No 658/91**of 19 March 1991****amending Regulation (EEC) No 182/91 opening a standing invitation to tender
for the export of 500 000 tonnes of barley held by the Spanish intervention
agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2619/90 ⁽⁴⁾,

Whereas the last partial invitation to tender under Commission Regulation (EEC) No 182/91 ⁽⁵⁾, should be postponed,

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

Article 4 (3) of Regulation (EEC) No 182/91 is hereby replaced by the following:

'3. The last partial invitation to tender shall expire on 24 April 1991.'

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, 19 March 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 8.

⁽⁵⁾ OJ No L 20, 26. 1. 1991, p. 11.

COMMISSION REGULATION (EEC) No 659/91

of 19 March 1991

fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75 of 29 October 1975⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾;

- 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 it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 1991.

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

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 19 March 1991 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 000	02	5,20
0407 00 19 000	06	3,00
	05	3,80
		ECU/100 kg
0407 00 30 000	04	18,00
	03	26,00
0408 11 10 000	01	96,00
0408 19 11 000	01	47,00
0408 19 19 000	01	51,00
0408 91 10 000	01	90,00
0408 99 10 000	01	15,00

(1) The destinations are as follows :

- 01 All destinations,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrein, Oman, Qatar, the United Arab Emirates, the Republic of Yemen, and Hong Kong,
- 04 All destinations except those of 03,
- 05 Saudi Arabia, Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates and the Republic of Yemen,
- 06 All destinations except the United States of America and those of 05 above.

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 660/91

of 19 March 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 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 641/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 18 March 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 20 March 1991.

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

Done at Brussels, 19 March 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 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 69, 16. 3. 1991, p. 26.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 19 March 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,23 ⁽¹⁾
1701 11 90	39,23 ⁽¹⁾
1701 12 10	39,23 ⁽¹⁾
1701 12 90	39,23 ⁽¹⁾
1701 91 00	43,56
1701 99 10	43,56
1701 99 90	43,56 ⁽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 661/91

of 19 March 1991

altering the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 486/91 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 486/91 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 1991.

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

Done at Brussels, 19 March 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 55, 1. 3. 1991, p. 33.

ANNEX

to the Commission Regulation of 19 March 1991 altering the corrective amount applicable to the refund on cereals

Product code	Destination (*)	(ECU/tonne)						
		Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	- 40,00	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1003 00 90 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 130	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 150	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 170	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 180	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 600	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	0	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1103 11 90 900	—	—	—	—	—	—	—	—

(*) For the following destinations:

01 All third countries.

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

COMMISSION REGULATION (EEC) No 662/91

of 19 March 1991

amending Regulation (EEC) No 3813/90 laying down the level of the accession compensatory amounts for milk and milk products applicable between the Community of Ten and Portugal and 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 3640/90 of 11 December 1990 determining the general rules for the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3813/90⁽²⁾ lays down the accession compensatory amounts applicable from 1 January 1991 for milk and milk products in

trade between the Community of Ten and Portugal and between Portugal and third countries; whereas, as regards trade in whey, an accession compensatory amount calculated on the basis of the value of the raw material used in the manufacture of cheese was fixed; whereas the market prices notified subsequently by Portugal show that in actual fact those prices are at the level of the price in the Community of Ten and that accordingly an accession compensatory amount should not be laid down; whereas a similar decision must be taken for lactose, a product derived from whey;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3813/90, the entries relating to CN codes 0404 10, 1702 10 90 and 2106 90 51 are hereby replaced by the following:

CN code	Description	Compensatory amount in ecu/100
0404 10	— Whey, whether or not concentrated or containing added sugar or other sweetening matter	—
1702 10 90	— — Other	—
2106 90 51	— — — — Lactose syrup	—

Article 2

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

It shall apply from 1 January 1991.

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

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 3.

⁽²⁾ OJ No L 366, 29. 12. 1990, p. 24.

COMMISSION REGULATION (EEC) No 663/91

of 19 March 1991

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3640/90 of 11 December 1990 determining the general rules for the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal ⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 3814/90 ⁽²⁾ lays down the accession compensatory amounts for milk and milk products applicable from 1 January 1991 in trade between Spain and Portugal; whereas, as regards trade in whey, an accession compensatory amount calcu-

lated on the basis of the value of the raw material used in the manufacture of cheese was fixed; whereas the market prices notified subsequently by Portugal show that in actual fact those prices are at the level of the price in the Community of Ten and that accordingly an accession compensatory amount should not be laid down; whereas a similar decision cannot be taken for lactose in view of the difference in price between Spain and Portugal; whereas, accordingly, the amount currently applicable in trade between Spain and the Community of Ten should be fixed between those two Member States; whereas the two abovementioned amendments should be made applicable from 1 January 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 3814/90:

1. The entries relating to CN codes 0404 10, 1702 10 90 and 2106 90 51 are hereby replaced by the following:

CN code	Description	Compensatory amount in ecu/100
0404 10	— Whey, whether or not concentrated or containing added sugar or other sweetening matter	—
1702 10 90	— — Other	6,73
2106 90 51	— — — — Lactose syrup	6,73'

2. Footnote 10 is hereby deleted.

Article 2

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

It shall apply from 1 January 1991.

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

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 3.

⁽²⁾ OJ No L 366, 29. 12. 1990, p. 18.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 May 1990

on aid granted by the Greek Government to a cement manufacturer (Halkis Cement Company)

(Only the Greek text is authentic)

(91/144/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice in accordance with the above Article to interested parties to submit their comments, and having regard to those comments,

Whereas :

I

In the summer of 1988 reports appeared in the Greek press, according to which the Greek Government had decided to grant aid to the Halkis Cement Company, hereinafter referred to as 'Halkis'. The aid would take the form of a conversion of debt into capital on the basis of Decision No 1270 of the Governor of the Bank of Greece dated 1 April 1988, amended by Decision No 1330 dated 14 July 1988.

By letter dated 5 August 1988 the Commission informed the Greek Government that any capitalization of Halkis' debts by public institutions was likely to constitute State aid, which cannot be put into effect without prior notification to and approval by the Commission, in accordance with Article 93 (3) of the EEC Treaty.

The Greek Government replied by letter dated 17 October 1988 that a conversion of Halkis' debts into

capital had not yet taken place. A shareholders' meeting was to take place shortly and this meeting was expected to decide to increase Halkis' capital. The Greek Government did not indicate whether it agreed with the Commission that a conversion of Halkis' debts should be notified pursuant to Article 93 (3).

The Commission thereupon reminded the Greek Government, as well as Halkis, by letters dated 28 November 1988, of the necessity of an early notification of such conversion of debt into capital and of the dangers of aid granted unlawfully, as such aid may be subject to a recovery order.

Halkis replied by letter dated 16 December 1988, stating that its shareholders' meeting had decided on 22 November 1988 to increase the company's capital by Dr 42 300 million; the shareholders' preferential rights to participate in this share issue would expire on 24 December 1988.

No reply or notification was received from the Greek Government.

On the basis of the little information available at the time, the Commission took the view that the transformation into capital of Halkis' debts — or part of these — was likely to constitute State aid, in view of the grave financial situation of this company. The Commission noted that Halkis' net worth had dropped to *minus* Dr 24 512 million by the end of 1987, due to losses sustained every year since 1982. The Commission also

considered that Halkis' increasing debts owed to public enterprises as such constituted State aid, as these companies were apparently showing a leniency towards Halkis, which could no longer be considered to be in conformity with normal market behaviour.

The Commission therefore decided on 3 April 1989 to initiate the procedure provided for in Article 93 (2) of the EEC Treaty and, by letter dated 13 April 1989, gave notice to the Greek Government to submit its observations.

II

The Greek Government submitted its observations under the procedure by letter dated 2 August 1989. It stated that by Decision No 2017 dated 5 April 1989 Halkis was made subject to the provisions of Law 1386/83 which provide for liquidation; liquidation of the company was expected to take place by the end of 1989.

By letter dated 10 October 1989 the Commission reminded the Greek Government that the latter had not yet commented on the alleged aid elements in Halkis' outstanding debts owed to public creditors. Not having received any reply or confirmation that Halkis had been liquidated, as had been envisaged in the letter dated 2 August 1989, the Commission, by letter dated 12 February 1990, requested all necessary information in order to be able to terminate the procedure. This information should notably concern Halkis' liquidation as envisaged in August 1989, its debts to public enterprises, its production, and its exports to other Member States. The Greek Government was also warned that any debt write-off by public creditors, for example in order to facilitate the take-over by other companies, would be likely to constitute State aid, for which the Commission's prior approval is necessary.

Again the Greek Government failed to reply.

In the context of the consultation of other interested parties, five governments of other Member States, four sectoral federations and seven cement manufacturers submitted observations, all of them in support of the Commission's action. These observations were submitted to the Greek Government by letter dated 10 October 1989 inviting its comments. No such comments were received.

III

Whenever public services and authorities show an abnormal leniency towards a certain company in collecting their claims, such action — or rather the lack of it — is likely to constitute State aid.

On the basis of information provided by the Greek Government within the framework of another Article 93 (2) procedure concerning aid granted to Heracles General

Cement Company, the Commission notes that Halkis has been loss-making for several years. Its losses amounted to Dr 5 billion in 1985, Dr 7 billion in 1986, Dr 9,2 billion in 1987 and Dr 11,2 billion in 1988. With a turnover of Dr 8,4 billion in 1985, such heavy losses would normally have forced the company into bankruptcy.

In reality, Halkis was able to continue its operations because its creditors failed to collect their claims. Halkis' long- and short-term debts increased from Dr 23,5 billion in 1985 to Dr 29,4 billion in 1986, to Dr 39 billion in 1987 and to Dr 47,8 billion by the end of 1988.

In its letter dated 13 April 1989, by which the Greek Government was invited to submit its observations within the framework of the procedure, the Commission noted that it was not in possession of a breakdown of Halkis' liabilities. On the basis of the information available at the time, the Commission drew the conclusion that public banks and energy companies were showing a leniency towards Halkis, which was not in conformity with normal market behaviour; consequently Halkis' increasing debts owed to public enterprises constituted State aid.

Despite specific reminders, sent on 10 October 1989 and 12 February 1990, the Greek Government has failed to provide any information on Halkis' debts, or any statement against the Commission's reasoning in its letter dated 13 April 1989.

In the absence of any statement or information to the contrary, the Commission draws the conclusion that its assumption set out in its letter to the Greek Government dated 13 April 1989 was correct, that is to say that public enterprises and agencies such as banks and energy companies have shown a leniency towards Halkis which is not in conformity with normal market behaviour and that Halkis' increasing debts owed to public enterprises constitute State aid. Halkis is allowed to operate under more favourable conditions than its competitors at the cost of — ultimately — the Greek Government.

Furthermore, the plan to transform Halkis' debts into capital must also be considered to constitute State aid, in view of this company's financial difficulties described above.

The fact that Halkis was made subject, by Decision No 2017 of 5 April 1989, to the provisions of Law 1386/83 concerning liquidation, does not alter this appraisal. The more so as this liquidation, which the Greek Government in August 1989 expected to take place by the end of that year, has still not taken place.

Due to a lack of information, the Commission is unable to calculate or estimate the aid element in Halkis' outstanding and increasing debts. Under these circumstances, which stem from the lack of cooperation shown

by the Greek Government, the Commission is nevertheless obliged to close the present procedure by adopting a decision on the basis of the information at its disposal (see the Judgment of the Court of Justice of 10 July 1986 in Case 234/84, (*Belgium v. Commission*)⁽¹⁾).

IV

The aids in question are incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty.

Cement is a tradeable goods, although its very low price to weight ratio makes it competitive only at short distances from its production site when transported by land. Consequently, practically all international trade of cement is either cross-border over a small radius, or seaborne in large vessels at much larger distances.

Production of cement in the Community reached 153 million tonnes in 1986, 155 million tonnes in 1987 and 165 million tonnes in 1988. Greek production accounted for 8,6 % of Community production in 1986, 8,4 % in 1987 and 7,8 % in 1988.

Greece exports approximately half of its production of cement, traditionally mainly to countries in the Middle East and Northern Africa. Due, *inter alia*, to increasing local production in their traditional export markets, Greek cement companies have been diverting an increasing portion of their production to other Member States and to the United States of America.

In 1986 Greece exported 7,3 million tonnes to third countries and only 5 524 tonnes to other Member States. In 1987 it exported 6 million tonnes to third countries and 0,5 million tonnes to other Member States. In 1988 Greece exported 4,5 million tonnes to third countries and 1,8 million to other Member States.

Halkis is the third largest Greek manufacturer of cement after Heracles General Cement Company and Titan Cement Company. Halkis' share of sales on the domestic market was 8,8 % in 1985, 9,3 % in 1986, 8,4 % in 1987 and 9,0 % in 1988. Halkis participates in Greek cement exports to other Member States as is shown in several submissions made by other interested parties within the framework of the procedure. As the Greek Government failed to provide the information the Commission requested on Halkis' exports to other Member States, the Commission is unable to give an indication of the size of these exports.

Where financial assistance from the State strengthens the position of certain enterprises compared with that of others competing with them in the Community, it must be deemed to affect those other enterprises.

Consequently, the aids which the Greek Government has granted to Halkis or intends to grant to this company affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty.

V

By not notifying its decision to grant aid as a draft to the Commission, the Greek Government failed to fulfil its obligations pursuant to Article 93 (3) of the EEC Treaty.

In the case of aid granted without prior notification and where such aid is found to be incompatible with the common market, the Commission can require Member States to recover these aids from recipients.

As the Greek Government failed to provide any information within the framework of the procedure on the aid measures or the beneficiary thereof, apart from its decision to make Halkis subject to the liquidation provisions of Law 1386/83, the Commission is obliged to verify, on the basis of the little information it possesses, whether any of the derogations provided for in Article 92 can apply to these aids.

VI

The exceptions to the general incompatibility of aid set out in Article 92 (2) of the EEC Treaty are inapplicable in this case in view of the nature of these aids, which are not directed towards attainment of the objectives of Article 92 (2).

Article 92 (3) of the Treaty lists those aids which may be considered compatible with the common market. Compatibility with the Treaty must be viewed in the context of the Community as a whole and not of that of a single Member State. In order to ensure the proper functioning of the common market and to take into account the principles laid down in Article 3 (f) of the EEC Treaty, the exceptions to the principle of Article 92 (1) set out in paragraph 3 of that Article must be interpreted strictly when any aid scheme or any individual aid award is examined.

In particular, they may be invoked only where the Commission establishes that, without the aid, the free play of market forces would not by itself induce potential recipients to act in such a manner as to contribute to the attainment of one of the objectives sought.

To apply the exceptions to cases which do not contribute to the attainment of such an objective, or where the aid is not essential to that end, would be tantamount to granting undue advantages to the industries or firms of certain Member States, the financial position of which would be bolstered, and might affect trade between Member States and distort competition without this being justified in any way within the meaning of Article 92 (3).

⁽¹⁾ European Court Reports [1986], p. 2263.

In view of the above, the aids to Halkis do not fall within any of the categories of exception provided for in Article 92 (3).

With regard to the exceptions provided for in Article 92 (3) (a), aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment, whilst Greece may be regarded as meeting these definitions, the concept of regional development to which this exception is linked is based essentially on the provision of aid for new investment or expansion or conversion of undertakings involving investments of a physical nature and the costs associated with them. Aid in the form of uncollected claims or transformation of these claims into capital without any restructuring in order to restore Halkis' viability cannot be said to fall within the requirements of this derogation; nor has the Greek Government claimed that this might be the case.

As regards the exception provided for in the first part of Article 92 (3) (b), the aids to Halkis do not promote the execution of an important project of common European interest, nor has the Greek Government claimed that this might be the case.

As regards the application of the second part of Article 92 (3) (b) concerning aid to remedy a serious disturbance in the economy of a Member State, the Commission decided in Decision 88/167/EEC⁽¹⁾ that there was a serious disturbance in the Greek economy given its constantly deteriorating economic situation up to October 1985 and the subsequent austerity programme set up by the Greek Government. The Commission stated that it could regard Law 1386/83 and its operations as an integral part of such a programme. The Commission noted that of the 45 companies in which individual interventions had taken place, 22 had been put into liquidation. Of the remaining 23 the Commission decided that the Greek Government must ensure that all necessary measures of restructuring be taken to ensure the viability of the firms in question.

Regarding Halkis, which was only made subject to Law 1386/83 in April 1989, the Commission notes that the Greek Government has neither liquidated this company nor communicated to the Commission any form of restructuring measures taken. Consequently, the conditions under which Law 1386/83 can be applied are not fulfilled, nor can the aids to Halkis be said to remedy a

serious disturbance in the Greek economy within the meaning of Article 92 (3) (b).

With respect to the exemptions provided for in Article 92 (3) (c), operating aids in the form of claims by public enterprises which are not collected or the transformation of such claims into capital do not facilitate the development of certain economic activities or of certain economic areas. To the contrary, by allowing public enterprises not to collect their claims on Halkis, by letting these claims increase even further or by allowing public enterprises to waive these claims without any restructuring of the company, the Greek Government preserves the status quo regarding Halkis, thus permitting it to postpone necessary adaptations which would have allowed it to compete on equal terms with cement manufacturers in Greece and in other Member States or to postpone its liquidation or bankruptcy.

As is shown in Part IV of this Decision, Greek exports to other Member States have increased markedly over the last years. Within the framework of the procedure, Italian competitors of Halkis noted that this company had increased its exports of cement to Italy from 4 000 tonnes in 1987 to 63 000 tonnes in 1988 and to a probable 200 000 tonnes in 1989. These figures were not rejected by the Greek Government, as it failed to comment on the observations of other interested parties submitted to it by letter dated 10 October 1989 as described above.

The Commission therefore considers that operating aids such as these do adversely affect trading conditions in the Community cement sector to an extent contrary to the common interest. The aids therefore do not meet the conditions set out in Article 92 (3) (c) and are hence incompatible with the common market. This conclusion is not altered by the fact that, without these aids, the company in question would have ceased or would have been forced to cease its activities; the Greek authorities envisage the liquidation of Halkis.

VII

As mentioned in Part V above, the Commission can demand that the beneficiaries of aid refund that aid if it was granted without the Commission's prior approval and where such aid is found to be incompatible with the common market. For the reasons given in Part III, the Commission has been unable to quantify the aid element in Halkis' outstanding debts. It is therefore the duty of the Greek Government, when implementing the measures to comply with this Decision, to determine itself the amount of aid to be abolished on the basis of general business practice.

⁽¹⁾ OJ No L 76, 22. 3. 1988, p. 18.

The amount will thus be equal to the difference between the volume of Halkis' present debts to public enterprises and agencies and the volume of debts such public enterprises and agencies would normally regard acceptable for a company of Halkis' size and creditworthiness. The measures adopted, as well as the calculation of the amount of aid abolished, must be communicated to the Commission within three months to enable it to verify that they are in conformity.

HAS ADOPTED THIS DECISION:

Article 1

The aids awarded by the Greek Government to Halkis Cement Company, by allowing its public enterprises and agencies not to collect their claims on this company and by allowing these claims to increase even further, are illegal, given that they have been awarded in breach of the rules set out in Article 93 (3) of the EEC Treaty. They are furthermore incompatible with the common market, as they do not fulfil the criteria for exemption provided for in Article 92 (2) or (3) of the EEC Treaty and must therefore be abolished.

The Greek Government shall on the other hand refrain from implementing its proposal to grant aid by transforming debts of this company into capital.

Article 2

The Greek Government shall, by recovery, abolish the aid referred to in the first sentence of Article 1.

Article 3

The Greek Government shall inform the Commission within three months of the date of notification of this Decision of the measures it has taken to comply herewith.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 2 May 1990.

For the Commission

Leon BRITTAN

Vice-President

DECISION No 1/91 OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE**of 23 January 1991****derogating from the definition of the concept of 'originating products' to take account of the special situation of Lesotho with regard to its production of certain garments**

(91/145/EEC)

THE ACP-EEC CUSTOMS COOPERATION COMMITTEE,

Having regard to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989,

Having regard to Decision No 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on the transitional measures to be applied from 1 March 1990⁽¹⁾, and in particular Article 2 (1) thereof,

Whereas Article 31 of Protocol No 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation makes provision for derogations to be made from the said Protocol by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas the ACP States have submitted a request from the Government of Lesotho for a derogation from the definition set out in Protocol No 1 in respect of certain garments;

Whereas the requested derogation is justified under the relevant provisions of Protocol No 1 and it cannot cause serious injury to an established Community industry, provided that certain conditions relating to quantities, surveillance or duration are respected,

HAS DECIDED AS FOLLOWS:

Article 1

Notwithstanding the special provisions of Annex II to Protocol No 1, the products listed in the Annex to this Decision manufactured in Lesotho shall be considered as

originating in the ACP States subject to the following conditions.

Article 2

The derogation provided for in Article 1 shall relate to products exported from Lesotho to the Community between 1 March 1990 and 28 February 1993.

Article 3

The competent authorities of Lesotho shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued pursuant to this Decision.

Article 4

The ACP-States, the Community and the Member States shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 23 January 1991.

*For the ACP-EEC Customs
Cooperation Committee**The Chairmen*

Carlos MUÑOZ BETEMPS Ernest S. MPOFU

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 2.

ANNEX

Item	Product	HS code(s)	Textile category	Annual quantity (pieces)		
				1990	1991	1992
a	T-shirts, knitted or crocheted of cotton	ex 6109.10	ex 4	252 200	503 300	754 800
b	Men's or boys' trousers, bib and brace overalls, breeches and shorts, of cotton or of synthetic fibres, other than industrial and occupational	ex 6203.42 ex 6203.43	ex 6	800 000	800 000	800 000
c	Men's or boys' shirts of cotton or of man-made fibres	6205.20 6205.30	ex 8	6 500	9 500	14 000
d	Men's or boys' underpants and briefs, of cotton	6107.11	ex 13	950 000	1 900 000	1 900 000
e	Men's or boys' jackets and blazers of cotton or of synthetic fibres, other than industrial and occupational	ex 6203.32 ex 6203.33	ex 17	4 400	6 400	9 400
f	Men's or boys' swimwear	6211.11	ex 72	8 500	12 000	18 000

COMMISSION DECISION

of 19 March 1991

concerning protective measures against cholera in Peru

(91/146/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 thereof,

Whereas in accordance with Article 19 of Directive 90/675/EEC the necessary decisions shall be adopted in particular concerning the importation of certain products from third countries in which any phenomenon liable to present a serious threat to animal or public health appears or spreads;

Whereas an epidemic of cholera is developing in Peru; whereas this disease presents a serious threat to public health and whereas the cholera agent may contaminate animals as well as products of animal origin;

Whereas a mission of Community experts has visited Peru in order to examine the situation and to study the guarantees necessary to avoid the risk of introducing cholera into the Community;

Whereas it is necessary to prohibit the importation of fisheries products originating in or coming from Peru; whereas, however, this prohibition must not be applied to certain consignments covered by appropriate guarantees given by the official Peruvian authorities;

Whereas the abovementioned guarantees shall apply without prejudice to conditions applicable, despite this exceptional situation, to importations coming from Peru;

Whereas provisions should be laid down to ensure that effective checks are conducted on products accompanied by certificates in the Member State where they are intended to be released for consumption and there should be a review of the provisions of this Decision where a check on import reveals the presence of the cholera vibrio;

Whereas the measures laid down in this Decision are in accordance with the opinion of the Standing Veterinary Committee;

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the importation of fisheries and fresh water products originating in or coming from Peru, with the exclusion of fish meal.

Article 2

However, the prohibition laid down in Article 1 shall not apply to consignments of fisheries products with the exclusion of bivalve molluscs and fishery products from artisanal fisheries originating in Peru and accompanied by an official certificate delivered by CERPER (public enterprise for the certification of fisheries products of Peru) comprising the following elements:

- Number and date;
- Description of consignment and nature of treatment;
- Registration and approval number of the factory;
- Attestation that the factory is subject to an inspection regime enforced by agents of CERPER;
- Attestation that the processing methods conform to CERPER circular 70-021/91 of 21 February 1991;
- Signature of an official representative of CERPER.

Article 3

Member States shall prohibit the re-expedition to the territory of other Member States the products referred to in Article 2, unless the products are introduced into a port or airport and that they are destined for another port or airport equipped with an inspection post and that the products are transported, as the case may be, by sea or air.

Article 4

If during an import check the authorities of the Member States discover the presence of the cholera agent, they shall so inform the Commission and the other Member States immediately, without prejudice to measures to be taken in respect of the contaminated consignment.

Article 5

The Commission shall follow the development of the situation and this Decision shall be amended immediately in the light of that development and in particular in the case allowed for in Article 4.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

COMMISSION DECISION

of 19 March 1991

adopting protective measures against cholera in Peru in respect of imports

(91/147/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 (1) thereof.

Whereas, in accordance with Article 19 of Directive 90/675/EEC, the necessary decisions must be adopted in particular in respect of imports of certain products from third countries where any phenomenon likely to present a serious threat to livestock or public health appears or is spreading;

Whereas an epidemic of cholera is developing in Peru; whereas that disease presents a serious threat to public health and whereas the cholera vibrio may also contaminate fruit and vegetables;

Whereas a mission of Community experts has visited Peru in order to examine the situation and to consider the guarantees necessary to forestall the risk of cholera being introduced into the Community;

Whereas, in view of the observations made during that mission, a Community measure must be taken urgently; whereas the national measures already adopted in certain Member States point to broad agreement in favour of the adoption of specific measures; whereas, in order to ensure the application of a uniform measure, the Commission has resolved to adopt this decision;

Whereas imports of fruit and vegetables originating or coming from Peru should be prohibited; whereas, however, such a prohibition must not apply on the one hand to certain consignments covered by appropriate guarantees given by the official authorities in Peru and on the other hand to dry products and to products which are not likely to be carriers of contamination agents on account of their acidity;

Whereas the abovementioned guarantees are to apply without prejudice to the conditions applicable to imports from Peru had this exceptional situation not arisen;

Whereas provisions should be laid down to ensure that effective checks are conducted on products accompanied by certificates in the Member State where they are intended to be released for consumption and there should

be a review of the provisions of this Decision where a check on import reveals the presence of the cholera vibrio,

HAS ADOPTED THIS DECISION:

Article 1

The Member States shall prohibit imports originating in or coming from Peru of:

- fruit and vegetables covered by Regulation (EEC) No 1035/72⁽¹⁾ and 827/68⁽²⁾,
- processed fruit and vegetable products covered by Regulation (EEC) No 426/86⁽³⁾,
- bananas covered by CN code 0803

with the exception of dry fruit and products with a pH value of less than 4.5.

Article 2

However, the prohibition laid down in Article 1 shall not apply to consignments of fruit and vegetable products originating in Peru and accompanied by the following documents:

1. an official certificate issued by CERPER giving the following:
 - the number and date;
 - a description of consignment and nature of treatment;
 - the name and address of factory;
 - an attestation that the factory meets the health conditions required to ensure proper hygiene in handling and in particular that it has a system for the chlorine treatment of waste water;
 - an attestation that the factory is subject to a stringent inspection regime by agents of CERPER and that all the hygiene conditions regarding processing, packaging and presentation are complied with;
 - the number of the analysis attestation issued by the Ministry of health;
 - the signature of an official representative of CERPER;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽³⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

2. a numbered and dated certificate issued by the Peruvian Ministry of Health testifying to the absence of contamination by the cholera vibrio of the products in the consignment exported.

Article 3

The Member States shall prohibit the re-dispatch to the territory of other Member States of the products referred to in Article 2 unless those products enter a port or airport, are destined for another port or airport which has an inspection post and are exported, as the case may be, by sea or air.

Article 4

If the authorities of the Member States discover the presence of the cholera agent during a check on import, they shall so inform the Commission and the other

Member States forthwith, without prejudice to measures to be taken in respect of the contaminated consignment.

Article 5

The Commission shall monitor developments in the situation and this Decision shall be amended immediately in the light of such developments and in particular in the case provided for in Article 4.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1991.

For the Commission

Martin BANGEMANN

Vice-President
