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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 959/91

of 19 April 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 April 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 April 1991.

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

Done at Brussels, 19 April 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 April 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (ECU/tonne)
0709 90 60	134,74 ⁽²⁾ ⁽³⁾
0712 90 19	134,74 ⁽²⁾ ⁽³⁾
1001 10 10	193,89 ⁽¹⁾ ⁽²⁾
1001 10 90	193,89 ⁽¹⁾ ⁽²⁾
1001 90 91	167,89
1001 90 99	167,89
1002 00 00	154,95 ⁽⁶⁾
1003 00 10	151,40
1003 00 90	151,40
1004 00 10	140,21
1004 00 90	140,21
1005 10 90	134,74 ⁽²⁾ ⁽³⁾
1005 90 00	134,74 ⁽²⁾ ⁽³⁾
1007 00 90	138,22 ⁽⁴⁾
1008 10 00	48,69
1008 20 00	136,79 ⁽⁴⁾
1008 30 00	56,51 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	56,51
1101 00 00	249,58 ⁽⁸⁾
1102 10 00	231,01 ⁽⁸⁾
1103 11 10	314,11 ⁽⁸⁾
1103 11 90	267,91 ⁽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 960/91

of 19 April 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 April 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 April 1991.

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

Done at Brussels, 19 April 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 April 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 4	1st period 5	2nd period 6	3rd period 7
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 4	1st period 5	2nd period 6	3rd period 7	4th period 8
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 961/91
of 19 April 1991
fixing the import levies on rice and broken rice

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

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

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

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice 230/91 broken rice were fixed by Commission Regulation (EEC) No 915/91 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 April 1991.

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

Done at Brussels, 19 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁵⁾ OJ No L 92, 13. 4. 1991, p. 5.

ANNEX

to the Commission Regulation of 19 April 1991 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (¹) (²) (³) Bangladesh	Third countries (except ACP or OCT) (⁴)
1006 10 21	—	153,70	314,61
1006 10 23	220,34	143,29	293,78
1006 10 25	220,34	143,29	293,78
1006 10 27	220,34	143,29	293,78
1006 10 92	—	153,70	314,61
1006 10 94	220,34	143,29	293,78
1006 10 96	220,34	143,29	293,78
1006 10 98	220,34	143,29	293,78
1006 20 11	—	193,03	393,26
1006 20 13	275,42	180,01	367,23
1006 20 15	275,42	180,01	367,23
1006 20 17	275,42	180,01	367,23
1006 20 92	—	193,03	393,26
1006 20 94	275,42	180,01	367,23
1006 20 96	275,42	180,01	367,23
1006 20 98	275,42	180,01	367,23
1006 30 21	—	238,93	501,71 (⁵)
1006 30 23	438,42 (⁵)	280,39	584,56 (⁵)
1006 30 25	438,42 (⁵)	280,39	584,56 (⁵)
1006 30 27	438,42 (⁵)	280,39	584,56 (⁵)
1006 30 42	—	238,93	501,71 (⁵)
1006 30 44	438,42 (⁵)	280,39	584,56 (⁵)
1006 30 46	438,42 (⁵)	280,39	584,56 (⁵)
1006 30 48	438,42 (⁵)	280,39	584,56 (⁵)
1006 30 61	—	254,81	534,33 (⁵)
1006 30 63	469,99 (⁵)	300,97	626,65 (⁵)
1006 30 65	469,99 (⁵)	300,97	626,65 (⁵)
1006 30 67	469,99 (⁵)	300,97	626,65 (⁵)
1006 30 92	—	254,81	534,33 (⁵)
1006 30 94	469,99 (⁵)	300,97	626,65 (⁵)
1006 30 96	469,99 (⁵)	300,97	626,65 (⁵)
1006 30 98	469,99 (⁵)	300,97	626,65 (⁵)
1006 40 00	—	73,52	153,04

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulation (EEC) Nos 3491/90 and 862/91.

(⁵) The levy on imports into Portugal is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 962/91**of 19 April 1991****fixing the premiums to be added to the import levies on rice and broken rice**

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

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

Having regard to Council Regulation (EEC) No 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 13 (6) thereof,

Whereas the premiums to be added to the levies on rice
and broken rice were fixed by Commission Regulation
(EEC) No 3847/90 ⁽³⁾, as last amended by Regulation
(EEC) No 916/91 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed in
advance in respect of rice and broken rice originating in
third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 April 1991.

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

Done at Brussels, 19 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 367, 29. 12. 1990, p. 19.

⁽⁴⁾ OJ No L 92, 13. 4. 1991, p. 8.

ANNEX

to the Commission Regulation of 19 April 1991 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 4	1st period 5	2nd period 6	3rd period 7
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 963/91

of 18 April 1991

on a standing invitation to tender to determine levies and/or refunds on exports
of white sugar and amending Regulation (EEC) No 983/90

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 Regula-
tion (EEC) No 464/91⁽²⁾, and in particular Articles 13 (2),
18 (5), 19 (4) and (7) and the second subparagraph of
Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72 of
23 March 1972 laying down rules to be applied in the
case of considerable price rises on the world sugar
markets⁽³⁾, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community and
world sugar markets, a standing invitation to tender
should be issued as soon as possible for the export of
white sugar in respect of the 1991/92 marketing year
which, having regard to possible fluctuations in world
prices for sugar, must provide for the determination of
export levies and/or export refunds;

Whereas the general rules governing invitations to tender
for the purpose of determining export refunds for sugar
were laid down in Council Regulation (EEC) No 766/68
of 18 June 1968 laying down general rules for granting
export refunds on sugar⁽⁴⁾, as last amended by Regulation
(EEC) No 1489/76⁽⁵⁾;

Whereas, in view of the specific nature of the transactions
involved, special detailed rules should be laid down in
this Regulation, and those provided for in Commission
Regulation (EEC) No 394/70 of 2 March 1970 on detailed
rules for granting export refunds on sugar⁽⁶⁾, as last

amended by Regulation (EEC) No 1714/88⁽⁷⁾, should not
apply; whereas, for the same reasons, appropriate provi-
sions should be laid down with regard to export licences
issued in connection with the standing invitation to
tender and there should be a derogation from Commis-
sion Regulation (EEC) No 2630/81 of 10 September 1981
on special detailed rules for the application of the system
of import and export licences for sugar⁽⁸⁾, as last amended
by Regulation (EEC) No 1714/88; whereas, however, the
provisions of Commission Regulation (EEC) No 3719/88
of 16 November 1988 laying down common detailed
rules for the application of the system of import and
export licences and advance fixing certificates for agricul-
tural products⁽⁹⁾, as last amended by Regulation (EEC) No
1599/90⁽¹⁰⁾, and those of Commission Regulation (EEC)
No 120/89 of 19 January 1989 laying down common
detailed rules for the application of the export levies and
charges on agricultural products⁽¹¹⁾, should remain
applicable;

Whereas the second subparagraph of Article 3 (1) of
Commission Regulation (EEC) No 3155/85 of 11
November 1985 providing for the advance fixing of
monetary compensatory amounts⁽¹²⁾, as last amended by
Regulation (EEC) No 3247/89⁽¹³⁾, provides that, where
the levy or refund is fixed in advance by means of
tenders, applications to fix the monetary compensatory
amount in advance shall be accepted only if the party
concerned has declared in writing at the time of submis-
sion of the tender that he will also apply to fix the mone-
tary compensatory amount in advance if the tender is
accepted in whole or in part; whereas, in such cases, the
obligation to lodge an application to fix the levy or refund
in advance following acceptance of the tender involves an
obligation to request at the same time advance fixing of
the monetary compensatory amount; whereas, for reasons
peculiar to the market in sugar, when an operator intends
to make use of the facility of fixing a monetary compen-
satory amount in advance in connection with an export
levy or refund fixed in advance under a tendering proce-
dure he only makes up his mind to do so at the moment
when the application for the export licence is made;
whereas it is only after he has been declared successful in
respect of a levy or refund for the quantity of sugar indi-
cated in his tender that the said monetary compensatory
amount can be fixed in advance; whereas, in conse-
quence, a derogation should be made from the said provi-
sion in the case of this tendering procedure, so that

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁵⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽¹⁰⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽¹¹⁾ OJ No L 16, 20. 1. 1989, p. 19.

⁽¹²⁾ OJ No L 310, 21. 11. 1985, p. 22.

⁽¹³⁾ OJ No L 314, 28. 10. 1989, p. 51.

application for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be possible;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A standing invitation to tender shall be issued in order to determine export levies and/or export refunds on white sugar. During the period of validity of this standing invitation, partial invitations to tender shall be issued.
2. The standing invitation to tender shall remain open until 20 May 1992.

Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

Article 3

1. The notice of the invitation to tender shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published elsewhere.
2. The notice shall indicate in particular the terms of the invitation to tender.
3. The notice may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified during that period.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:
 - (a) shall begin on 20 April 1991;
 - (b) shall end on 2 May 1991 at 10.30 a.m.
2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:
 - (a) shall begin on the first working day following the end of the preceding period;
 - (b) shall end at 10.30 a.m. on the Wednesday of the following week.
3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on:

- Wednesday 8 May 1991 shall end on Tuesday 7 May 1991 at 10.30 a.m.,
- Wednesday 15 May 1991 shall end on Tuesday 14 May 1991 at 10.30 a.m.,
- Wednesday 20 November 1991 shall end on Tuesday 19 November 1991 at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitations to tender will be issued on Wednesday 25 December 1991 and Wednesday 1 January 1992

5. The time limits laid down in this Regulation are expressed in Belgian time.

Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, telegram or fax message.
2. An offer must indicate:
 - (a) the reference number of the invitation to tender to which the offer relates;
 - (b) the name and address of the tenderer;
 - (c) the quantity of white sugar to be exported;
 - (d) the amount of the export levy or, where applicable, of the export refund, per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
 - (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.
3. An offer shall be valid only if:
 - (a) the quantity to be exported is not less than 250 tonnes of white sugar;
 - (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
 - (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
 - (d) it includes a declaration by the tenderer that if his tender is successful he will:
 - where the obligation to export resulting from the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4), and
 - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
 - (e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the present invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of ECU 9 per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (4), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in cases of *force majeure* the security referred to in paragraph 1 will be released:

- (a) to unsuccessful tenderers in respect of the quantity for which no award has been made;
- (b) to successful tenderers who have not applied for the relevant export licence within the period referred to in Article 12 (b), to the extent of ECU 8 per 100 kilograms of white sugar.

However, this part of the releasable security shall be reduced by the amount representing the difference existing, as applicable:

- between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation when the latter amount is higher than the former,
or
- between the minimum amount of the export levy fixed for the partial invitation concerned and the minimum amount of the export levy fixed for the following partial invitation when the latter amount is lower than the former;

- (c) to successful tenderers for the quantity for which they have fulfilled, within the meaning of Article 29 (b) and the first subparagraph of Article 30 (1) (b) (i) of Regulation (EEC) No 3719/88, the export obligation

resulting from the licence referred to under Article 12 (b) in accordance with the terms of Article 33 of that Regulation.

The part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. The persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

- a minimum export levy,
or
- a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

- if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully

covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

- if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity of white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to receive in the circumstances referred to under (b), in respect of the quantity awarded, an export licence indicating, as appropriate, the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3719/88, an application for an export licence in respect of that

quantity, the application not being revocable and Article 12 of Regulation (EEC) No 120/89 not applying in such a case. The application shall be lodged in accordance with the relevant provisions of Regulation (EEC) No 3719/88, not later than:

- the last working day preceding the date of the partial invitation to tender to be held the following week,
- or
- if no partial invitation to tender is due to be held that week, the last working day of the following week;

- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However, export licences issued in respect of the partial invitations held after 1 May 1992 will be valid only until 30 September 1992.

3. The export licences issued in respect of the partial invitations held between 2 May and 11 September 1991 will be usable only from 12 September 1991.

4. Except in cases of *force majeure*, if the obligation to export resulting from the export licence referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence;

or

- (b) the sum of the export levy indicated on the licence and the refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence;

or

- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence,

then, for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6 (1).

Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second paragraph of Article 3 (1) of Regulation (EEC) No 3155/85 shall not apply.

Article 15

1. If the terms of Article 12 of Regulation (EEC) No 766/68 apply, the export refunds and export levies fixed in advance under the terms of the present invitation to tender:

(a) before 1 July 1991 for the sugar exported as from that date;

(b) before 1 July 1992 for the sugar exported as from that date,

shall be adjusted.

2. For the adjustment referred to in paragraph 1 (a):

(a) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1991 which is greater than that in force on 30 June 1991, the export refund and the export levy shall be adjusted by an amount equal to the difference expressed in ecus per 100 kilograms existing between the intervention price for white sugar applicable with effect from 1 July 1991 and the intervention price for that sugar in force on 30 June 1991;

(b) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1991 which is lower than that in force on 30 June 1991, the export refund and the export levy shall be adjusted by an amount equal to the difference expressed in ecus per 100 kilograms existing between the intervention price for white sugar in force on 30 June 1991 and

the intervention price for that sugar applicable with effect from 1 July 1991.

3. For the calculation of the differences referred to in paragraph 2, the intervention prices in question shall be increased by the corresponding storage levy referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

4. For the purpose of applying this Article, the Member State issuing the relevant export licence shall at the time of issue complete section 'special particulars' by adding the following:

'to be adjusted in accordance with adjudication Regulation (EEC) No 963/91 for exports which take place after 30 June ...' (1991 or 1992 as applicable).

5. Upon presentation by the holder of the export licence concerned, or by the assignee when the licence has been transferred, to the Member State that issued it and before the customs formalities for the quantities concerned have been carried out, that Member State shall enter the adjustment to be made in section 'special particulars' and shall duly certify and stamp that section.

6. For the adjustment referred to in paragraph 1 (b) the provisions of paragraphs 2 to 5 shall be applicable *mutatis mutandis*.

7. The Member States shall inform the Commission as quickly as possible of the quantities of sugar for which an adjustment under this Article has been made.

Article 16

The following indents shall be added to Article 4 (3) of Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽¹⁾:

— Wednesday 1 May 1991 shall end on Thursday 2 May 1991 at 10.30 a.m.,

— Wednesday 8 and Wednesday 15 May 1991 shall end on Tuesday 7 and Tuesday 14 May 1991 respectively at 10.30 a.m.'

Article 17

This Regulation shall enter into force on 20 April 1991.

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

Done at Brussels, 18 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 100, 20. 4. 1990, p. 9.

COMMISSION REGULATION (EEC) No 964/91

of 18 April 1991

concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 315/91⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

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

It shall apply to product No 1 of the Annex from 30 April to 31 December 1991 and to product No 2 of the Annex from 1 August 1991.

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

Done at Brussels, 18 April 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 37, 9. 2. 1991, p. 24.

Description of the goods	Classification CN code	Reasons										
(1)	(2)	(3)										
1. Product, in the form of powder with the following principal analytical results (percentage by weight): <table border="0"> <tr> <td>— milk fat</td><td>5,8</td></tr> <tr> <td>— whey proteins</td><td>74,3</td></tr> <tr> <td></td><td>(78,9 by dry weight)</td></tr> <tr> <td>— lactose</td><td>6,0</td></tr> <tr> <td>— ash</td><td>2,9</td></tr> </table>	— milk fat	5,8	— whey proteins	74,3		(78,9 by dry weight)	— lactose	6,0	— ash	2,9	0404 90 33	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the texts of CN codes 0404, 0404 90 and 0404 90 33. Because of its protein lactose and milk fat content, which differs considerably from that of whey powder, the product is excluded from code CN 0404 10.
— milk fat	5,8											
— whey proteins	74,3											
	(78,9 by dry weight)											
— lactose	6,0											
— ash	2,9											
2. Mushrooms of the species <i>Agaricus</i> completely simmered. The mushrooms are immersed in water, to which salt and/or citric acid and/or SO₂ may have been added, and have been chilled. These mushrooms, which are not put up in packs for retail sale, are used, generally, as a starting material in the preservation industry.	2003 10 10	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, as well as by Additional Note 1 to Chapter 20 and by the texts of CN codes 2003, 2003 10 and 2003 10 10.										

COMMISSION REGULATION (EEC) No 965/91

of 19 April 1991

reimposing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia

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

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and in particular Protocol 1 thereof,

Having regard to Council Regulation (EEC) No 3412/90 of 19 November 1990 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia⁽²⁾, and in particular Article 1 thereof,

Whereas the abovementioned Protocol 1 and Article 15 of the Cooperation Agreement provide that the products listed in the Annex are imported exempt of customs duty into the Community, subject to the ceilings shown, above which the customs duties applicable to third countries may be re-established;

Whereas imports into the Community of those products, originating in Yugoslavia, have reached those ceilings;

whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be reimposed,

HAS ADOPTED THIS REGULATION:

Article 1

From 23 April to 31 December 1991, the levying of customs duties applicable to third countries shall be reimposed on imports into the Community of the products listed in the Annex, originating in Yugoslavia.

Article 2

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

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

Done at Brussels, 19 April 1991.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

Order No	CN code	Description of goods	Ceiling (tonnes)
01.0120	6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	749

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 335, 30. 11. 1990, p. 1.

COMMISSION REGULATION (EEC) No 966/91

of 17 April 1991

amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community⁽³⁾, as last amended by Regulation (EEC) No 620/91⁽⁴⁾, and in particular Article 3 thereof,

Whereas the Dutch authorities have requested withdrawal from the list annexed to Regulation (EEC) No 55/87 of two vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all the information in

support of the request required under Article 3 of Regulation (EEC) No 55/87; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be withdrawn from the list,

HAS ADOPTED THIS REGULATION:

Article 1

The vessels listed in the Annex to this Regulation are deleted from the Annex to Regulation (EEC) No 55/87.

Article 2

This Regulation shall enter into force on the 10th 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, 17 April 1991.

For the Commission

Manuel MARÍN

Vice-President

ANNEX

External identification letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
NETHERLANDS				
UK 121	Hessel van Urk	—	Urk	221
UK 221	Hendrika Maria	—	Urk	221

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 68, 15. 3. 1991, p. 17.

COMMISSION REGULATION (EEC) No 967/91

of 19 April 1991

laying down detailed rules for the application of Council Regulation (EEC) No 307/91 on reinforcing the monitoring of certain expenditure chargeable to the Guarantee Section of the European Agricultural Guidance and Guarantee Fund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 307/91 on reinforcing the monitoring of certain expenditure chargeable to the Guarantee Section of the European Agricultural Guidance and Guarantee Fund⁽¹⁾, and in particular Article 7 thereof,

Whereas Regulation (EEC) No 307/91 provides specifically that the Community is to contribute to the financing of certain expenditure incurred by the Member States for the remuneration of additional personnel and the cost of training, briefing and equipping the staff of the departments involved in the reinforcement measures; whereas the detailed rules of application should specify certain expenditure eligible for Community assistance in order to ensure uniform application of the scheme;

Whereas the fixing of the flat-rate amounts to be used throughout the Community to indicate the expenditure incurred on remuneration should be specified;

Whereas the Community contribution also applies to expenditure incurred by the Member States for monitoring work entrusted to approved surveillance firms and laboratories; whereas both the rules governing the approval of such firms and laboratories and the expenditure eligible for Community financing should therefore be specified;

Whereas the rules governing the monitoring agencies which the Member States may set up should be specified;

Whereas the Commission allocates the amount of the Community contribution each year among the Member States which so request; whereas the conditions for making and sending this request should be laid down;

Whereas it is necessary to specify the content of the report sent by the Member States, on the basis of which the Commission will make its annual assessment of the results of the reinforcement measures;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The flat-rate amount representing salaries and travel costs referred to in Article 4 of Regulation (EEC) No 307/91 is fixed at ECU 28 500 per person per annum.
2. 'Data-processing and office 'equipment' as referred to in Article 5 of Regulation (EEC) No 307/91, shall mean all data-processing equipment, including software, telecommunications equipment such as telephones, telex and fax machines and the costs of installing such equipment, not including the usual office equipment and furniture.
3. 'Transport equipment', as referred to in Article 5 of Regulation (EEC) No 307/91, shall mean any vehicle used to transport persons and directly used for carrying out the checks.

Article 2

The training and briefing costs referred to in the second indent of Article 1 (1) and the second indent of Article 2 (1) of Regulation (EEC) No 307/91 shall comprise all actual expenditure arising from the organization of training courses and seminars of at least one day's duration, including the fees of the trainers, the travel costs of the agents attending and the documentation provided, as well as the cost of disclosing specialized information.

Article 3

1. Before 31 January each year, the Member States shall inform the Commission whether they intend to apply for the Community financing provided for in Articles 1 and 2 of Regulation (EEC) No 307/91, and shall provide details of estimated expenditure for the calendar year in question together with a request for an advance payment, pursuant to Article 6 of that Regulation, before 31 March.

For the first year of application, Member States shall make these notifications before 30 June 1991.

Estimates shall be drawn up in accordance with the table in the Annex.

⁽¹⁾ OJ No L 37, 9. 2. 1991, p. 5.

2. Within three months of receiving the estimates referred to in paragraph 1, the Commission shall examine the declarations and, on the basis of the information given, make an advance payment to the Member State to be deducted from the definitive amount of its contribution.

The Commission shall, where appropriate, inform the Member States in question of any expenditure which is not eligible for Community financing.

3. Not later than 15 May each year, each Member State shall present the Commission with a statement of the expenditure incurred during the previous year.

This statement shall be drawn up in accordance with the table in the Annex.

4. In accordance with Article 6 of Regulation (EEC) No 307/91, within six months of the date of receipt of the statement of expenditure, the Commission shall decide on the amount representing the expenditure borne by the Community. That amount shall be paid to the Member State, less the advance payment referred to in paragraph 2.

5. If the advance payment made pursuant to paragraph 2 is greater than the amount of incurred expenditure to be borne by the Community, the Member State shall repay the amount overpaid, either by deducting it from the advance payment for the following year or by reimbursement.

6. Where a Member State has expressly informed the Commission, in accordance with paragraph 1, of its intention not to request Community financing, the Commission shall allocate the amounts not taken up among the Member States which have requested financing, as provided for in Articles 1 (2) and 2 (1) of Regulation (EEC) No 307/91.

Article 4

1. Member States shall keep all payment dossiers and supporting documents relating to the expenditure incurred pursuant to Articles 1 and 2 of Regulation (EEC) No 307/91 for a period of at least three years after the financial year in question.

2. The agents of the Commission shall have access to the dossiers and supporting documents referred to in paragraph 1.

Article 5

1. For the purposes of approving the approved surveillance firms and laboratories referred to in Article 1 of Regulation (EEC) No 307/91, Member States shall ensure that the principles set out in paragraph 3 of that Article are respected.

They shall, in particular, verify that the surveillance firm or laboratory in question has at least five years' experience in the fields concerned and has enough staff, equipment and facilities to carry out the specific inspection tasks or analyses likely to be entrusted to it.

Approved surveillance firms and laboratories shall undertake to undergo all inspections by the competent authorities of the Member State.

Where one or more conditions of approval are no longer fulfilled, in particular where there is evidence of a conflict of interests within the meaning of Article 1 (3) of Regulation (EEC) No 307/91, approval shall be withdrawn. In cases where approval is withdrawn, approval may be restored to the natural or legal person in question when the conditions are fulfilled.

Member States shall inform the Commission of the names and particulars of the firms and laboratories which have been granted approval. They shall also communicate the details of firms from which approval has been withdrawn, together with the reasons for such withdrawal.

2. The costs referred to in Article 1 (1) of Regulation (EEC) No 307/91 arising from the checks and/or analyses entrusted to approved surveillance firms and laboratories shall be itemized by the latter in detailed invoices. Member States shall, where necessary, carry out random checks on the justification for such costs.

Article 6

1. In accordance with Article 2 (1) of Regulation (EEC) No 307/91, Member States may set up agencies entrusted with the monitoring of one or more of the measures referred to in paragraph 2 or with the detection and prosecution of fraud and irregularities connected with those measures.

The creation of such agencies shall be notified specifically to the Commission.

Such notification shall be accompanied by a detailed programme of activities and a budget estimate concerning the tasks entrusted to the agency throughout the period of application.

The Commission shall inform the Member State of any observations before the end of the month following receipt of the notification.

2. Member States shall invest in the agency all the powers necessary for the execution of the tasks referred to in paragraph 1.

It shall be composed of the number of suitably qualified agents necessary to enable it to execute those tasks.

3. The expenditure of the agency shall be the subject of estimates and declarations to be forwarded each year to the Commission as provided for in Article 3. Such expenditure shall be borne by the Community as provided for in that Article.

Article 7

Not later than 30 June each year the Member States concerned shall forward to the Commission a report on the application of this Regulation during the previous year, in accordance with Article 9 of Regulation (EEC) No 307/91.

The report shall describe the sectors in which reinforcement measures are being taken, and the detailed rules governing the measures initiated or continued during the period in question.

It shall set out the results already obtained, in particular the number of additional checks carried out and the number of irregularities and cases of fraud discovered,

specifying each time the sector, measure or type of operation concerned.

The drawing up of this report shall not affect the application of Article 3 of Council Regulation (EEC) No 595/91 ⁽¹⁾.

Article 8

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, 19 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 11.

AMOUNTS IN NATIONAL CURRENCY

(¹) Delete as appropriate.

(¹) Delete as appropriate.

COMMISSION REGULATION (EEC) No 968/91

of 19 April 1991

concerning the quantities of sheepmeat and goatmeat products which may be imported from Czechoslovakia during 1991

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 84/633/EEC of 11 December 1984 authorizing the Commission, within the context of the voluntary restraint agreements on trade in the sheepmeat and goatmeat sector between the Community and 12 non-member States, to convert, for the purposes of the smooth operation of trade and within the limits agreed, live animal quantities into fresh or chilled meat quantities or such latter quantities into the former⁽¹⁾, and in particular Article 1 (1) thereof;

Whereas, under an Agreement concluded with the Community, Czechoslovakia has undertaken to restrict its exports of sheepmeat and goatmeat to the Community to annual quantities of 800 tonnes of fresh and chilled meat;

Whereas Czechoslovakia has asked the Community to convert the 15 tonnes of fresh and chilled meat that may be exported to the Community in 1991 into 15 tonnes of live animals expressed as carcase weight bone-in; whereas the extremely limited quantity covered by the request will not disturb the Community market; whereas the market situation is such that the application can be granted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantity of live sheep and goats falling within CN codes 0104 10 90 and 0104 20 90 that may be imported from Czechoslovakia in 1991, under the Agreement concluded with that country, shall be 15 tonnes expressed as carcase weight bone-in.

The quantity of fresh and chilled sheepmeat and goatmeat falling within CN code 0204, that may be imported from Czechoslovakia in 1991 under the Agreement concluded with that country, shall be 785 tonnes expressed as carcase weight bone-in.

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 9 April 1991.

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

Done at Brussels, 19 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 19. 12. 1984, p. 32.

COMMISSION REGULATION (EEC) No 969/91
of 19 April 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 947/91 ⁽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 April 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 April 1991.

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

Done at Brussels, 19 April 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 97, 18. 4. 1991, p. 10.

⁽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 April 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,24 ⁽¹⁾
1701 11 90	40,24 ⁽¹⁾
1701 12 10	40,24 ⁽¹⁾
1701 12 90	40,24 ⁽¹⁾
1701 91 00	45,01
1701 99 10	45,01
1701 99 90	45,01 ⁽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 970/91
of 19 April 1991**

**determining the extent to which applications lodged in April 1991 for import
licences for certain poultrymeat products can be accepted**

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

Having regard to Council Regulation (EEC) No 3834/90
of 20 December 1990 reducing for 1991 the levies on
certain agricultural products originating in developing
countries ⁽¹⁾,

Whereas Commission Regulation (EEC) No 25/91 ⁽²⁾ set
the quantity of poultrymeat that can be imported at a
reduced levy during the second quarter of 1991 ;

Whereas Article 4 (5) of that Regulation stipulates that the
quantities applied for can be reduced ; whereas applica-
tions for import licences for duckmeat lodged pursuant to
the said Regulation are for total quantities in excess of
those available pursuant to Article 2 thereof ; whereas in
order to ensure a fair distribution of these quantities those
applied for should be reduced by a fixed percentage ;

HAS ADOPTED THIS REGULATION :

Article 1

Applications for import licences for the period 1 April to
30 June 1991 submitted pursuant to Regulation (EEC) No
25/91 shall be met :

- (a) for 3,5419 % of the quantity applied for, in the case of
products named against serial number 59.0020 in
Regulation (EEC) No 3834/90 ;
- (b) for 39,3082 % of the quantity applied for, in the case
of products named against serial number 59.0025 in
Regulation (EEC) No 3834/90.

Article 2

This Regulation shall enter into force on 22 April 1991.

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

Done at Brussels, 19 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽²⁾ OJ No L 3, 5. 1. 1991, p. 9.

COMMISSION REGULATION (EEC) No 971/91

of 19 April 1991

re-establishing the preferential customs duty on imports of single-flower
(standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EEC) No 728/90⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 3129/90⁽⁴⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, laid down detailed rules for the application of these arrangements;

Whereas to permit the import arrangements to function in the normal manner prices on importation should be calculated using:

- for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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 preferential customs duty fixed for single-flower (standard) carnations originating in Israel by Council Regulation (EEC) No 728/90 was suspended by Commission Regulation (EEC) No 929/91⁽⁹⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for single-flower (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of single-flower (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by Regulation (EEC) No 728/90 is reintroduced.

Article 2

This Regulation shall enter into force on 20 April 1991.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1990, p. 7.

⁽⁴⁾ OJ No L 299, 30. 10. 1990, p. 26.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁹⁾ OJ No L 94, 16. 4. 1991, p. 8.

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

Done at Brussels, 19 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 972/91

of 19 April 1991

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 757/91⁽³⁾, as amended by Regulation (EEC) No 934/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 757/91 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

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,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 757/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 April 1991.

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

Done at Brussels, 19 April 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 81, 28. 3. 1991, p. 17.

⁽⁴⁾ OJ No L 94, 16. 4. 1991, p. 22.

⁽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 April 1991 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4501	—
1702 20 90	0,4501	—
1702 30 10	—	52,48
1702 40 10	—	52,48
1702 60 10	—	52,48
1702 60 90	0,4501	—
1702 90 30	—	52,48
1702 90 60	0,4501	—
1702 90 71	0,4501	—
1702 90 90	0,4501	—
2106 90 30	—	52,48
2106 90 59	0,4501	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 April 1991

concerning the provisional application of the Agreed Minute amending the Agreement between the European Economic Community and the Republic of Indonesia on trade in textile products

(91/227/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Commission,

Whereas, pending the completion of the procedures necessary for its conclusion, the Agreement between the European Economic Community and the Republic of Indonesia on trade in textile products, initialled on 28 June 1986, has been provisionally applied since 1 January 1987 in accordance, having regard to the Community, with Decision 87/421/EEC⁽¹⁾;

Whereas that Agreement provides for the possibility of re-examining quantitative adjustments to the quotas for certain categories, in order to allow for the introduction of the harmonized system;

Whereas, following consultations between the Community and Indonesia, an Agreed Minute modifying the quotas on products of category 6 provided for in the Agreement was initialled on 17 November 1990;

Whereas, pending the completion of the procedures necessary for the conclusion of the Agreement and the other Agreed Minutes, the Agreed Minute of 17 November 1990 should be applied provisionally, with effect from 1 January 1990, provided that there is reciprocal provisional application on the part of the Republic of Indonesia,

Article 1

Pending the completion of the procedures necessary for its conclusion, the Agreed Minute of 17 November 1990 amending the Agreement between the European Economic Community and the Republic of Indonesia on trade in textile products shall be applied provisionally in the Community, with effect from 1 January 1990, provided that there is reciprocal provisional application on the part of the Republic of Indonesia.

The text of the Agreed Minute is attached to this Decision.

Article 2

The Commission is invited to seek the agreement of the Government of the Republic of Indonesia on the provisional application of the Agreed Minute referred to in Article 1 and to notify the Council thereof.

Done at Luxembourg, 15 April 1991.

For the Council

The President

J. F. POOS

⁽¹⁾ OJ No L 233, 19. 8. 1987, p. 39.

AGREED MINUTE

1. Delegations of the European Economic Community and the Republic of Indonesia met in Denpasar from 15 to 17 November 1990 for consultations in accordance with the provisions of Article 16 of the Agreement on Trade in Textile Products between the European Economic Community and Indonesia initialled on 28 June 1986 and provisionally applied since 1 January 1987.

These consultations were held on Indonesia's request for adjustment of the quantitative limits for certain textile products covered under the Agreement, arising out of the introduction of the Combined Nomenclature based on the Harmonized System which came into effect from 1 January 1988.

2. As a result of these consultations, the two sides agreed to adjust the quantitative limits for category 6, given in Annex II of the Agreement as follows

Category	Unit	Year	Quota
6	1 000 pieces	1990	6 390
		1991	6 757

Denpasar, 17 November 1990

*For the
Republic of Indonesia*

*For the
European Economic Community*

COUNCIL DECISION

of 15 April 1991

concerning the provisional application of the Agreed Minute amending the Agreement between the European Economic Community and Malaysia on trade in textile products

(91/228/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Commission,

Whereas, pending the completion of the procedure necessary for its conclusion, the Agreement between the European Economic Community and Malaysia on trade in textile products, initialled on 28 June 1986, has been provisionally applied since 1 January 1987 in accordance, having regard to the Community, with Decision 87/422/EEC⁽¹⁾;

Whereas that Agreement provides for the possibility of re-examining quantitative adjustments to the quotas for certain categories, in order to allow for the introduction of the harmonized system;

Whereas, following consultations between the Community and Malaysia, an Agreed Minute modifying the quotas on products of categories 4, 5 and 6 provided for in the Agreement was initialled on 20 November 1990;

Whereas, pending the completion of the procedures necessary for the conclusion of the Agreement and the other Agreed Minutes, the Agreed Minute of 20 November 1990 should be applied provisionally, with effect from 1 January 1990, provided that there is reciprocal provisional application on the part of Malaysia,

Article 1

Pending the completion of the procedures necessary for its conclusion, the Agreed Minute of 20 November 1990 amending the Agreement between the European Economic Community and Malaysia on trade in textile products shall be applied provisionally in the Community, with effect from 1 January 1990, provided that there is reciprocal provisional application on the part of Malaysia.

The text of the Agreed Minute is attached to this Decision.

Article 2

The Commission is invited to seek the agreement of the Government of Malaysia on the provisional application of the Agreed Minute referred to in Article 1 and to notify the Council thereof.

Done at Luxembourg, 15 April 1991.

*For the Council**The President*

J. F. POOS

⁽¹⁾ OJ No L 233, 19. 8. 1987, p. 83.

AGREED MINUTE

1. Delegations of the European Economic Community and of the Government of Malaysia met in Brussels on 5 and 6 November 1990 and in Kuala Lumpur on 19 and 20 November 1990 for consultations in accordance with the provisions of Article 16 of the Agreement on Trade and Textile Products between the European Economic Community and Malaysia initialled on 28 June 1986 and provisionally applied since 1 January 1987.

These consultations were held on Malaysia's request for adjustment of restraint levels for certain textile products covered under the Agreement, arising out of the introduction of combined nomenclature based on the harmonized system with effect from 1 January 1988.

2. As a result of these consultations, the two sides agreed to adjust the restrained levels for categories 4, 5 and 6 given in Annex II of the Agreement as follows :

Category	Unit	Year	Quota
4	1 000 pieces	1990	7 240
		1991	7 597
5	1 000 pieces	1990	3 512
		1991	3 682
6	1 000 pieces	1990	4 755
		1991	4 986

Kuala Lumpur, 20 November 1990.

*Head of Delegation
of Malaysia*

*Head of Delegation of
the European Economic
Community*

COMMISSION

COMMISSION DECISION

of 20 March 1991

on applications for reimbursement of aid granted by Member States to organizations of nut and/or locust bean producers

(91/229/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 3920/90 ⁽²⁾, and in particular Article 14 g thereof,

Whereas Council Regulation (EEC) No 789/89 ⁽³⁾ supplemented the aid arrangements for fruit and vegetable producer organizations by introducing an additional flat-rate aid, as an incentive to formation, to producers' organizations with economic activity centred on the production and marketing of nuts and/or locust beans;

Whereas Council Regulation (EEC) No 790/89 ⁽⁴⁾ set the amount of the additional flat-rate aid provided for in Article 14 (b) of Regulation (EEC) No 1035/72 for formation of producers' organizations;

Whereas applications for reimbursement of additional flat-rate aid granted by Member States to organizations of producers of nuts and/or locust beans in order to cover additional costs of their formation must include certain information permitting verification of conformity of the expenditure with the requirements of Regulation (EEC) No 1035/72, in particular Article 14 (b) thereof;

Whereas to permit effective monitoring of applications for reimbursement Member States must keep available for the Commission, for three years following the final reimbursement, all supporting documents on the basis of which aid was granted;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Applications for reimbursement of expenditure under Article 14 (b) of Regulation (EEC) No 1035/72 must be presented as indicated in the Annex to this Decision.

2. Member States shall transmit to the Commission with their first application for reimbursement the texts of national implementing and control provisions and administrative instructions, and also forms or any other document relating to administration of the measure.

Article 2

Member States shall keep available for the Commission, for three years from the date of the final reimbursement, all documents, or certified copies thereof in their possession, on the basis of which aid as provided for in Article 14 (b) of Regulation (EEC) No 1035/72 was granted, and also the complete file for each recipient.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 3.

⁽⁴⁾ OJ No L 85, 30. 3. 1989, p. 6.

*ANNEX I***Applications for reimbursement of expenditure under Article 14 C (b) of Regulation (EEC)
No 1035/72***General remarks***1. Submission of applications****1.1. A separate application must be made for each :**

- department (France),
- region or autonomous province (Italy),
- prefecture (Greece),
- autonomous community (Spain),
- region or autonomous region (Portugal).

1.2. Applications for reimbursement and all complementary information are to be sent in three copies to :

Commission of the European Communities,
Directorate General for Agriculture,
EAGGF-Guidance (VI-G-5),
120, rue de la Loi,
B-1049 BRUSSELS.

To facilitate routing of mail please show on payment applications and all related correspondence the file number used by EAGGF Guidance Fund.

2. Use of the ecu

As regards use of the ecu as provided for in Article 22 of Council Regulation (EEC) No 4253/88, the provisions of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purposes of the budgetary management of the Structural Funds⁽¹⁾ must be adhered to. For payment applications it provides that :

- statements of expenditure supporting payment requests are to be made in ecus or in national currency ;
- Member States making their statements in ecus are to convert their expenditure in national currency into ecus using the rate for the month during which the expenditure was recorded in the accounts of the body responsible for financial management of the programme. This is the monthly rate used for execution of the general budget of the European Communities and is the rate for the penultimate working day of the previous month ;
- statements of expenditure in national currency are to be converted into ecus at the rate for the month in which they are received by the Commission ;
- payments are to be made by the Commission in ecus.

3. Financial control

If a Community or national provision is infringed to the expense of the Community budget, the code of conduct⁽²⁾ on irregularities and organization of an information system on irregularities drawn up for the purposes of application of Article 23 (1) of Regulation (EEC) No 4253/88 must be adhered to.

Amounts lost and subsequently recovered are either to be deducted from the payment requested or to be returned to EAGGF Guidance. The Commission is to be informed to this end of amounts recovered and of the progress of administrative and judicial proceedings.

The covering measures required for the financial control specified in Article 23 (1) of Regulation (EEC) No 4253/88 must have been adopted by the Member States and all relevant control reports must be kept available for the Commission.

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No C 200, 9. 8. 1990, p. 3.

**FORM OF PRESENTATION OF APPLICATIONS FOR REIMBURSEMENT TO THE
COMMISSION OF THE EUROPEAN COMMUNITIES***(For completion by Commission)*

Serial number :

Date received :

Reference :

For attention of European Agricultural Guidance and Guarantee Fund**Application for reimbursement of expenditure under Article 14 (b) of Council Regulation
(EEC) No 1035/72 of 18 May 1972****Declaration to be made along with applications for reimbursement of expenditure under
Article 14 (b) of Regulation (EEC) No 1035/72**

It is certified that :

- the following application for reimbursement covers only flat-rate additional aid granted to organizations of producers of nuts and/or locust beans for the purposes indicated in Article 14 (b), and has been calculated in conformity with Article 10 of Regulation (EEC) No 2159/89,
- each producers' organization in receipt of this aid has presented a quality and marketing improvement plan, incorporating any changes requested by the Commission, approved by the competent national authority, and
- each producers' organization having received the flat-rate additional aid has previously been specifically recognized by the competent authority under Article 14 (b) of Regulation (EEC) No 1035/72 and Article 2 of Regulation (EEC) No 2159/89.

.....
(Date, stamp of competent authority, signature
and status of signatory)

ANNEX II

Application for reimbursement of expenditure in 19... on organizations of nut and/or locust bean producers under Article 14b of Regulation (EEC) No 1035/72

Summary table

	Number of producer groups	Amount of aid granted	Reimbursement requested
First payment			
Second payment			
Total			

Application for reimbursement of expenditure in 19.. on organizations of nut and/or locust bean producers under Article 14 (b) of Regulation (EEC) No 1035/72 — First payment

Administrative unit	Business name of producer group	Serial No	Date of specific recognition by Member State	Date of approval by Member State of improvement plan	Number of members	Quantity of nuts/locust beans ⁽¹⁾ counted for calculation of aid ⁽²⁾	Aid granted by Member State to organization	Reimbursement requested from EAGGF
Total								

(¹) Specify in tonnes per product.

⁽²⁾ See Article 10 of Regulation (EEC) No 2159/89.

COMMISSION DECISION

of 9 April 1991

amending Decision 86/77/EEC approving certain food-aid operations carried out by humanitarian organizations and exempting them from monetary compensatory amounts

(Only the English text is authentic)

(91/230/EEC)

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Article 12 thereof,

Whereas Commission Regulation (EEC) No 3154/85 ⁽³⁾, as last amended by Regulation (EEC) No 1599/90 ⁽⁴⁾, lays down detailed rules for the administrative application of the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85;

Whereas exports to non-member countries carried out in the context of the food-aid operations referred to in Article 21 (2) of Regulation (EEC) No 3154/85 should be exempted from monetary compensatory amounts where such exports are carried out by humanitarian organizations and approved in accordance with Community procedure;

Whereas a number of humanitarian organizations were approved by Commission Decision 86/77/EEC ⁽⁵⁾, as last amended by Decision 90/500/EEC ⁽⁶⁾; whereas other organizations may be regarded as humanitarian organizations on the basis of their approval pursuant to national legislative provisions; whereas 'The Joint Mission

Hospital Equipment Board' and 'The Jubilee Campaign' may be regarded as such organizations;

Whereas the measures provided for in this Decision are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS DECISION:

Article 1

The humanitarian organizations 'The Joint Mission Hospital Equipment Board' and 'The Jubilee Campaign' are added to the Annex to Decision 86/77/EEC, with effect from 14 February 1991.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 9 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 310, 21. 11. 1985, p. 9.

⁽⁴⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽⁵⁾ OJ No L 76, 21. 3. 1986, p. 54.

⁽⁶⁾ OJ No L 278, 10. 10. 1990, p. 40.

COMMISSION DECISION

of 15 April 1991

on applications for import licences for Basmati rice submitted during the first five working days of the month of April 1991 under the arrangements provided for in Council Regulation (EEC) No 3877/86

(91/231/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3877/86 of 16 December 1986 on imports of rice of the long-grain aromatic Basmati variety falling within subheading ex 10.06 B I and II of the Common Customs Tariff⁽¹⁾,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within subheading ex 10.01 B I or II of the Common Customs Tariff⁽²⁾, as amended by Regulation (EEC) No 1546/87⁽³⁾, and in particular Article 5 (1) thereof,

Whereas under Article 5 (1) of Regulation (EEC) No 833/87 the Commission must, not later than the 13th day after the expiry of the time-limit for submitting applications for licences, notify the Member States:

- the licences may be issued in respect of all the quantities applied for;
- or
- that a standard percentage reduction should be applied to those quantities;
- or
- that the conditions for applying the reduced levy have not been met;

Whereas, in the light of the quantities for which applications have been submitted, the quantities available and Basmati rice price during the first five working days of the month of April 1991, licences may be issued subject to the application of a percentage reduction,

HAS ADOPTED THIS DECISION:

Article 1

Import licences for Basmati rice falling within CN code 1006 may be issued, subject to the application, to the quantities applied for, of a reduction of 95,905 % in cases where the applications for import licences were submitted, under the arrangements provided for in Regulation (EEC) No 3877/86, during the first five working days of the month of April 1991 and were the subject of the communication to the Commission provided for in Article 7 of Regulation (EEC) No 833/87.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 361, 20. 12. 1986, p. 1.

⁽²⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽³⁾ OJ No L 144, 4. 6. 1987, p. 10.

CORRIGENDA

**Corrigendum to Commission Regulation (EEC) No 938/91 of 16 April 1991 amending
Regulation (EEC) No 1000/90 continuing promotional and publicity measures in respect of
milk and milk products**

(Official Journal of the European Communities No L 95 of 17 April 1991)

On page 6, Article 1:

for: '1 May 1991',

read: '1 July 1991'.
